

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 887 (Delegate Bartlett)
 Judiciary

Domestic Violence - Protective Orders - Status Hearings

This bill authorizes a person eligible for relief under a final protective order, at any point during the term of the order, to file a motion to request a status review hearing. The court must promptly schedule a status review hearing after providing notice to the respondent. The purpose of the status review hearing is to review the order and determine if further intervention by the court in accordance with the provisions of the domestic violence statutes is necessary to protect the person eligible for relief.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$108,200 in FY 2023 only for programming changes; expenditures *may* also further increase minimally for the Judiciary to facilitate status review hearings, as discussed below. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	108,200	0	0	0	0
Net Effect	(\$108,200)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially impact the operations or finances of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: An individual who meets specified relationship requirements under the domestic violence statutes is a “person eligible for relief” and may file a petition for a protective order. A person eligible for relief initiates the process for a protective order during court operating hours by filing a petition for a temporary protective order in the District Court or a circuit court. If the courts are not open, a person eligible for relief initiates the process by filing a petition for an interim protective order with a District Court Commissioner.

Generally, if an interim protective order is granted by a District Court Commissioner, a temporary protective order hearing is heard on the first or second day on which a District Court judge is sitting after issuance of the interim protective order. Generally, if a temporary protective order is granted, a final protective order hearing occurs one week later.

If, at a final protective order hearing, a judge finds by a preponderance of the evidence that abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

Among other relief, a final protective order may order the respondent to (1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members; or (5) remain away from a child care provider of a person eligible for relief while the child is in the provider’s care. A final protective order may also address issues relating to custody and visitation, use and possession of a home or vehicle, emergency family maintenance, counseling, payment of costs, and temporary possession of a pet. A final protective order must require the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession and to refrain from possession of any firearm for the duration of the protective order.

All relief granted in a final protective order is effective for the period stated in the order, generally up to a maximum of 12 months. A final protective order may be issued for up to two years in specified circumstances set forth in statute. In limited circumstances specified by statute, the court may issue a permanent protective order that requires the respondent to refrain from abusing or threatening to abuse the person eligible for relief or refrain from contacting, attempting to contact, or harassing the person eligible for relief. A subsequent circuit court order pertaining to any of the provisions in the final protective order supersedes those provisions in the final protective order. A final protective order may be modified or rescinded during the term of the order after (1) giving notice to all affected

persons eligible for relief and the respondent and (2) a hearing. Statutory provisions also set forth circumstances under which, after notice and a hearing, a final protective order may be extended.

A person who violates specified provisions of an interim, temporary, or final protective order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense.

State/Local Fiscal Effect: General fund expenditures increase by \$108,185 in fiscal 2023 for the Judiciary to make necessary programming changes and *may* further increase minimally to the extent petitions for status review hearings are filed.

The Judiciary advises that in fiscal 2021, the District Court granted 8,746 final protective orders and the circuit courts granted 1,359 final protective orders. Due to the volume of final protective orders granted each year, the bill *may* have a meaningful operational impact in the District Court to the extent that a significant number of persons eligible for relief in a final protective order request a status review hearing, which the court is *required* to schedule promptly. However, without experience under the bill, it is unclear how many individuals are likely to request such hearings and how the option to request a status review hearing may impact the number of overall proceedings that may arise under a final protective order, such as petitions for modifications or criminal charges related to alleged violations. Regardless, it is anticipated that any *potential* expenditures (in addition to the programming costs shown above) related to the operational impact of accommodating status review hearings in the District Court are minimal and do not materially affect State finances. No material impact is anticipated for the circuit courts, which historically handle a much smaller volume of protective orders annually.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510