

BILL NO: Senate Bill 227
TITLE: Protective Orders – Extension
COMMITTEE: Judicial Proceedings
HEARING DATE: February 4, 2020
POSITION: **SUPPORT**

Senate Bill 227 would explicitly clarify the procedure for how a court handles a request for extension of a Protective Order. The Women's Law Center supports Senate Bill 227 because there has been some confusion in the courts about how to process these requests for extension and this bill would amend the statute to make it crystal clear what should happen.

Under current Maryland law, a petitioner who has a protective order is entitled to request an extension of the order for certain circumstances. Section 4-507 of the Family Law Code, as amended by this body in 2014, requires the court, upon request for an extension, to set it in for hearing. The request to extend must be filed *prior* to the existing expiration date of the Order, and the court *shall* extend the Order and hold the hearing within 30 days of the request. If the court sets the hearing for a date after the original expiration of the Order, it is supposed to extend the Order until the hearing date. Apparently that has not happened in every case, we believe due to clerical oversight. If the petitioner had a lawyer to follow up, this oversight should be caught and not cause a problem.

Senate Bill 227 merely makes this procedure automatic, so that in every instance the Order is extended until the hearing date. It is a simple, reasonable fix to make it clear. We cannot opine on effectuating automatic extensions from a technology or court's internal abilities, but the concept is legitimate. And we note that the only benefit to the extended Order is if the petitioner has a copy in their hand.

Nonetheless, we certainly do not want a party to be unable, at the hearing, to be able to get the extension because their order has expired and the Court can't do anything. (*See La Valle v. La Valle*, 432 Md. 343 (2013).

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 227.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.