
To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Daniel Renart, Esquire

Date: February 20, 2020

Subject: **Senate Bill 595:**
Family Law – Protective Order - Rescission

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports Senate Bill 595 – Family Law – Protective Order - Rescission.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

SB 595 is important legislation designed to allow for the rescission of a protective order, but contemporaneously prevents Respondents who have a protective order entered against them from forcing the petitioner to continue to interact with them despite the entry of the protective order. This legislation, authorizes the Court to rescind a protective order, provided certain criteria are met. First, the petition to rescind a protective order must establish with particularity the basis for the rescission. Second, notice of the requested rescission would have to be provided to all affected parties. Third, that in order to rescind the order, the Court would have to have a hearing. A Judge would have discretion to deny a petition to rescind a protective order without a hearing, if the affected person eligible for relief objects to the rescission. These provisions make it less likely that a Respondent will be able to misuse a request for rescission of a protective order for the sole purpose of continuing contact with the Petitioner/victim.



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For the reason(s) stated above, the MSBA **supports Senate Bill 595 and urges a favorable committee report.**

Should you have any questions, please contact Daniel Renart by e-mail at drenart@rghlawyers.com or by telephone at (301) 383-1525.

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