

BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 8, 2022
POSITION: SUPPORT

Senate Bill 280 is about safety, it is about victims, and it is about improving our systems to be victim-centered and trauma-informed. SB 280 significantly improves access to safety for victims that seek medical attention in a hospital setting and are eligible for a protective order. All victims eligible for a protective order including victims of child abuse, sexual assault, abused vulnerable adults, and victims of domestic violence benefit from SB 280. By enabling victims and survivors to electronically petition for a protective order from a hospital a tremendous barrier to obtaining a protective order is removed; the burden of needing to physically appear at a courthouse to file the petition and complete the *ex parte* initial hearings required for interim and temporary orders of protection.

Hospitals already screen for domestic violence, perform SAFE exams for victims of sexual assault, and health practitioners are mandated reporters of child abuse and abuse of vulnerable adults. Yet a victim must leave the safety of the hospital and the professionals available to them in the hospital setting to navigate their way to a courthouse to obtain the safety a protection order offers. A victim may lack the necessary transportation to the courthouse, may be too unwell to physically go to a courthouse, or may be still experiencing the trauma that required medical care. The abuser might be sitting in the waiting room.

Only 34% of people who are injured by intimate partners receive medical care for their injuries.¹ Yet in a study of femicide 41% of victims had sought health care for physical injury or mental health issues before they were killed by their intimate partner.² In 2020, there were 56 individuals in Maryland that lost their lives due to domestic violence. This is the highest number of domestic violence deaths in five years. Leaving an abusive relationship is also the most dangerous time for a victim of domestic violence. These statistics highlight the critical role that healthcare settings plays in identifying domestic violence and assisting victims before they are injured again or even worse, killed.

¹ <https://ncadv.org/learn/statistics>

² Phyllis W. Sharps, Jane Koziol-McLain, Jacquelyn Campbell, Judith McFarlane, Carolyn Sachs, Xiao Xu, Health Care Providers' Missed Opportunities for Preventing Femicide, *Preventive Medicine*, Volume 33, Issue 5, 2001, Pages 373-380, <https://doi.org/10.1006/pmed.2001.0902>.

The concept of filing a protective order electronically is not new. Ten years ago, the Hospital to Court Domestic Violence Safety to Assistance Project was created in New Jersey to permit victims of domestic violence to petition from hospitals and conduct hearings with the court over the phone or via video conferencing.³ New York launched their Domestic Violence Online Petition Program as a pilot program in 2013.⁴ Those working with an advocate, agency, or legal services can petition electronically from any location and request a remote hearing.⁵ Indiana allows pro se litigants to petition electronically on their own behalf for protective orders.⁶ West Virginia,⁷ California⁸, Washington, D.C.⁹ and other states have leveraged the lessons learned throughout the pandemic to improve the process for victims of violence to access the courts and orders of protection.

The technology exists and courts in Maryland have conducted virtual hearings throughout the pandemic. It is no longer necessary to require a victim of violence to leave a hospital and go to a courthouse to obtain a protective order and undermine their safety. Maryland must remove barriers to victim safety and SB 280 is one crucial step in that process.

For the above stated reasons, we urge a favorable report with sponsor amendments on SB 280.

Sincerely,



Karalyn Mulligan, LCPC

DV Coordinator, UM Capital Region Health

³ https://www.njcourts.gov/forms/11478_hosp crt dv broch.pdf

⁴ [DV Online Petition Fact Sheet.pdf \(courtinnovation.org\)](#)

⁵ [Family Offense Petition Program - Family Justice/DV \(probono.net\); Filing a Family Offense Petition | NY CourtHelp \(nycourts.gov\)](#)

⁶ [Protection Order Registry - Protection Order Registry E-File Service Provider \(in.gov\)](#)

⁷ [Supreme Court Announces New Remote Technology Project to Promote Access and Safety in Domestic Violence and Sexual Assault Cases \(courtswv.gov\)](#)

⁸ [Governor Newsom Signs Rubio Bill Allowing Victims to Use Remote Technology As They Seek Protection From Abusers | Senator Susan Rubio \(ca.gov\)](#)

⁹ [Remote Court Procedures Can Help Domestic Abuse Victims - Law360](#)