

SB280 Family Law – Interim & Temporary Protective

Uploaded by: Adam Rosenberg

Position: FAV



SB280 Family Law – Interim & Temporary Protective Orders – Electronic Filing & Video Conferencing
Senate Judicial Proceedings Committee – February 9, 2022

Testimony of Adam Rosenberg, Executive Director, LifeBridge Health Center for Hope

Position: **SUPPORT**

Center for Hope writes in support of SB280 which would expand and modernize access to critical interim and temporary protective orders for survivors of abuse. Enabling these extremely vulnerable victims of all ages the access to an electronic petition for a protective order within the safe space of the hospital treating them allows them to seek relief from further harm for the very injuries sustained that placed them in medical care. The burden is removed for a hospitalized patient-victim to physically appear at a courthouse or commissioner to file such a temporary petition, thereby enhancing safety.

Center for Hope, a subsidiary of LifeBridge Health, provides trauma-informed crisis intervention, forensic interviews, medical exams, mental health, wraparound case management, family advocacy and workforce development services. Center for Hope now includes Northwest Hospital's DOVE domestic violence response program, one of the state's oldest and largest hospital based domestic violence programs, as well as Baltimore Child Abuse Center, the state's oldest and largest child advocacy center, along with a growing elder abuse advocacy response.

During the last two years of COVID pandemic, our DOVE program at Northwest Hospital experienced a 475% increase in request for shelter care, 222% increase in community referrals, and 25% increase in high risk clients of being killed. These victims have also been accompanied by a 400% increase in the number of children helped. These numbers continue to remain at record levels of 1,500 victims of domestic violence helped each year. While these victims receive treatment at our hospital-based programs, they still must leave the safety of the hospital and advocates caring for them in order to obtain a protective order to keep them, and their children, safe.

Throughout the country, we have all shifted to smart and efficient uses of online video conference environments – from court hearings, legislative sessions, staff meetings, medical exams, therapeutic appointments, and even family gatherings – while video may not have been our first choice, it has rapidly become accepted as a hybrid platform of interaction that will remain and now integrated into our daily lives. The success and effectiveness of online video conferences should be permanently extended to victims of abuse and violence.

Video technology has been widely embraced throughout the nation to permit victims of domestic violence to petition for hearings. This bill logically extends that technology to permit the filing of lifesaving temporary protective orders from a hospital here in Maryland.

We urge a favorable report on SB280.

Adam Rosenberg, Esq., Executive Director, Center for Hope
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Martha D. Nathanson, Esq., Vice President, Government Relations & Community Development,
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MCPA-MSA_SB 280 _Protective Orders-Electronic Filing

Uploaded by: Andrea Mansfield

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 9, 2022

RE: **SB 280 – Interim and Temporary Protective Orders – Electronic Filing and
Video Conferencing Hearings**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 280**. This bill would authorize a person who is receiving medical treatment from a hospital or urgent care facility (medical facility) to electronically file a petition for a domestic violence protective order under *Md. Code, Family Law Article, §4-504, and §4-504.1*, while at the medical facility. It would also provide for a video conference hearing on a petition for an interim order from a District Court Commissioner or a temporary order from the Courts.

MCPA and MSA strongly support the extension of early access provided by SB 280 to essential domestic violence protections during a petitioner's first initiation of remedial efforts.

The process outlined in the bill also makes use of remote video technology for access and conferencing that have been developed by the Courts and Legislature during the last two years in response to pandemic limitations on access to Courts and governmental facilities. In addition, the legislation will make use of experience from the pilot program for protective order video conferencing currently utilized between the [Montgomery County Family Justice Center](#) and the Courts in Montgomery County, Maryland.

MCPA and MSA is aware of an amendment to remove urgent care centers from the bill, but still offer support as SB 280 would facilitate early intervention into critical domestic violence situations and would help prevent injuries and save lives. For these reasons, MCPA and MSA **SUPPORT SB 280** and urge a **FAVORABLE** report.

SB0280 Interim and Temporary Protective Orders.pdf

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

Maryland Commission for Women

A Commission of the Maryland Department of Human Services

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February 6, 2022

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The Honorable William C. Smith, Chair
The Honorable Jeffrey Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

Re: SB0280 – Criminal Law – Interim and Temporary Protective Orders

Dear Senators Smith and Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission for Women (MCW) urges your support of SB0280 which would expand the current definition of stalking to include electronic communication and tracking devices.

The MCW was established in 1965 and was set in state law in 1971. An office of the Department of Human Services, the Commission is a 25-member advisory board whose duties outlined in its enabling legislation include: study the status of women in our state, recommend methods of overcoming discrimination, recognize women's accomplishments and contributions, and provide informed advice to the executive and legislative branches of government on the issues concerning the women of our state. It is to fulfill this mandate that the Commission writes to you today.

(The positions expressed in this letter are those of the Commission for Women and do not necessarily reflect the position of the Governor or the Department of Human Services.)

As you know, stalking in Maryland is currently defined as “a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of suffering serious bodily injury, assault, rape or sexual offense, false imprisonment, or death, or that a third person likely will suffer any of the acts listed.” MD. Criminal Law Code Ann. §3-802 (2020). Stalking today, often referred as “modern stalking” is much more than in person conduct of following a person around by foot or vehicle. With the advancement of technology, a person can be easily stalked electronically.

Through the use of electronic communication and tracking devices, such as spyware placed on a person's phone, computer, vehicle, or other device, a person's conduct and location can be monitored and pinpointed without the person's knowledge and consent. Once detected, modern stalking is often difficult to prosecute in Maryland due to our narrow definition of stalking.

Senate Bill 0280 is a step in the right direction in providing recourse for victims of modern stalking. The bill expands the definition of stalking to include conduct that occurs by electronic means. This bill gives our prosecutorial offices the means to seek justice on behalf of victims.

We strongly urge your support of SB0280.

With very best regards,



Yun Jung Yang, Chair
Maryland Commission for Women

SB280 - Interim and Temporary Protective Order Hea

Uploaded by: Ilene Glickman

Position: FAV

To: Members of The Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Lindsay Parvis, Esquire

Date: February 9, 2022

Subject: Senate Bill 280:
Interim and Temporary Protective orders –
Electronic Filing and Video Conferencing Hearings

Position: SUPPORT/FAVORABLE

The Maryland State Bar Association (MSBA) FJLSC **supports (as to be amended) Senate Bill 280 – Interim and Temporary Protective orders – Electronic Filing and Video Conferencing Hearings.**

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.

SB2806 would enable survivors who seek protective orders to be able to do so electronically and virtually from the hospital. It is the FJLSC’s understanding that sponsor amendments will include removal of “urgent care” centers from SB280 and changing “allow” to “assist”. FJLSC supports these amendments.

SB280 will enable survivors to seek a protective order from the safety of a hospital. At a time when their safety is at extreme risk. SB280 removes the obstacle of having to go to court or the commissioner to seek a protective order (interim or temporary).



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SB280 provides access to justice for an extremely vulnerable population. For these reasons, the FJLSC urges a favorable report with sponsor amendments.

Should you have any questions, please contact Michelle Smith by e-mail at msmith@lawannapolis.com or by telephone at 410-280-1700.

Dana O. Williams
President

Hon. Mark F. Scurti
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Delegate Erik L. Barron
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M. Natalie McSherry
Treasurer

Victor L. Velazquez
Executive Director

HPP SB 280 Testimony- FINAL.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2022
POSITION: SUPPORT

Senate Bill 280 would allow a victim of interpersonal violence to seek access to a protective order while receiving medical treatment in a hospital setting. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it promotes the health, independence, and safety of survivors of interpersonal violence, many of whom are also survivors of human trafficking.

Experiences with interpersonal violence commonly overlap with human trafficking. It is not uncommon for a victim’s spouse or romantic partner to be their trafficker, subjecting them to forced prostitution or other forms of forced labor, including forced non-commercial sex.¹ The growing recognition of the connection between the two crimes is crucial as service providers work to assist survivors in obtaining justice for what has been done to them.

Given the level of physical and psychological abuse that survivors of human trafficking face,² it is not surprising that approximately 88% of human trafficking victims access health care during their trafficking situation.³ As such, “[t]he comparative frequency with which individuals who are actively being trafficked have access to the health care system suggests that this is where [] meaningful interventions can be made.”⁴ Given that screenings for domestic violence and human trafficking already take place regularly in the hospital setting,⁵ hospitals seem well-suited to provide this additional supportive service to victims of interpersonal violence and trafficking.

SB 280 would allow for victims to request a protective order from a hospital setting while seeking medical attention. Yet current court rules require that a victim must leave the safety of a hospital and the professionals available to assist them to obtain a protective order. A victim may lack the necessary transportation to the courthouse, may be too unwell, both mentally and physically, to travel to the courthouse, or the abuser might be sitting in the waiting room.

Courts in Maryland have successfully conducted virtual hearings throughout the course of the nearly two year-long COVID-19 pandemic. It should no longer be necessary to require a victim of violence to potentially undermine their physical and/or emotional safety by leaving the security of a hospital setting to obtain a protective order. Maryland must remove barriers to victim safety and Senate Bill 280 is a crucial step in the process of removing barriers to safety for victims of violence and for these reasons, we urge a favorable report with sponsor amendments on SB 280.

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
jemerson@ubalt.edu*

¹ See generally The Human Trafficking Legal Center, *Human Trafficking and Domestic Violence Fact Sheet* (2018), <https://www.htlegalcenter.org/wp-content/uploads/Human-Trafficking-and-Domestic-Violence-Fact-Sheet.pdf>.

² See generally Cathy Zimmerman & Nicola Pocock, *Human Trafficking and Mental Health: “My Wounds are Inside; They are Not Visible”* 19 *Brown Journal of World Affairs* 2 (Spring/Summer 2013), <https://healtrafficking.org/wp-content/uploads/2021/04/24590833.pdf>.

³ See generally Brittany Anthony, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* (July 2018), <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking-Health-Care.pdf>.

⁴ *Id.* at 31.

⁵ See generally Women’s Health, Maternal and Child Health, Maryland Department of Health and Mental Hygiene, *Intimate Partner Violence (IPV): A Guide for Health Care Providers* (January 2013), <https://health.maryland.gov/phpa/mch/Documents/IPV%20Guide%20for%20providers.January.pdf>; Susie Baldwin, Jeffret Barrows, & Hanni Stoklosa, *Protocol Toolkit for Developing a Response to Victims of Human Trafficking in Health Care Settings* (2017) (on file with author).

MLAW Testimony - SB280 - Interim and Temporary Pro

Uploaded by: Jessica Morgan

Position: FAV



Bill No: SB280
Title: Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings
Committee: Judicial Proceedings
Hearing: February 9, 2022
Position: FAVORABLE

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB280 - Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing** is a priority on the 2022 MLAW Agenda and we urge your support.

SB280 would allow victims of abuse who are eligible to request interim and/or temporary protective orders to do so virtually in a hospital or urgent care setting. Currently, if a victim is in those facilities due to a violence incident, they cannot leave the hospital protected from their abuser. Further, victims who are in a hospital or urgent care setting for other medical reasons, who trust their medical professional and feel safe in those settings to disclose their abuse, cannot receive a protective order before leaving. This legislation applies to everyone eligible for protective orders including, domestic violence, sexual assault, child abuse and vulnerable elder adults.

Currently, victims of abuse, including domestic violence and sexual assault, cannot obtain protective orders from their abusers in a hospital or urgent care setting, thus, leaving the facility unprotected. This bill would allow all eligible victims of abuse the ability to apply virtually for temporary or interim protective orders in those settings.

For these reasons, MLAW strongly urges the passage of SB280.



MLAW 2022 Supporting Organizations

The following organizations have signed on in support of our 2022 Legislative Agenda:

Allegany County Women's Action Coalition
American Association of University Women - Anne Arundel County
American Association of University Women - Maryland
American Association of University Women - Garrett Branch
Anne Arundel County Commission for Women
Anne Arundel County NOW (National Organization for Women)
Baltimore County Commission for Women
Baltimore Jewish Council
Baltimore NOW (National Organization for Women)
Business and Professional Women of Maryland
For All Seasons, Inc.
Forward Justice Maryland
Indivisible Central Maryland
Make A Difference Monday
Maryland NOW (National Organization for Women)
Maryland Network Against Domestic Violence
Maryland Women's Heritage Center
MoCoWoMen
MomsRising
Montgomery County NOW (National Organization for Women)
Montgomery County Commission for Women
Montgomery County Women's Democratic Club
National Coalition For Sexual Freedom
National Organization for Women
NCBW Anne Arundel County Chapter
Prince George's County Alumnae Chapter
Prince George's County Drug Policy Coalition, Inc.
Reproductive Justice Inside
South Prince George's Business and Professional Women
WISE - WISE Women of Maryland
Women's Equality Day Celebration across Maryland
Women's Law Center of Maryland
Yellow Rose Foundation
Zonta Club Mid Maryland
Zonta Club of Annapolis

Maryland Legislative Agenda for Women

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NASW SB 280 Senate Side.pdf

Uploaded by: Mary Beth DeMartino

Position: FAV

Testimony before House Judiciary Committee

Senate Bill 280 - Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings

Support

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for *Senate Bill 280 – Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings*.

As social workers serving older adults, we see the devastating impact of domestic violence among seniors and adults of all ages. According to the National Coalition Against Domestic Violence, one in four women and one in nine men experience severe intimate partner physical violence, sexual violence, or stalking. One of the best protections available to victims in Maryland is the Protective Order. Currently, the victim needs to go to court or to a commissioner's office to file for a Protective Order and must return to court at least once for a hearing. For many victims, these requirements present insurmountable obstacles. Those victims who are ill or injured (sometimes because of the abuse) are often unable to appear in person in court.

HB 296 provides an alternative path to obtain a Protective Order, for victims who are receiving medical treatment in a hospital or urgent care center. Victims would be able to file electronically and participate in a virtual hearing. These provisions would allow some of the most vulnerable victims to obtain the relief offered by a Protective Order, including the requirement that the abuser stay away from the victim for up to a year.

We have worked with victims in cases where this law would have prevented great harm. In one case, a woman with disabilities was being physically abused by her nephew. After an assault by the nephew, she was brought to the hospital for treatment of her injuries and other health problems. She was physically unable to go to court to get a Protective Order. Since her nephew was not arrested, she faced the fear of further harm from him after her discharge. He continued to menace her until Adult Protective Services was able to intervene and help her move to a new home. If SB 280 had been in effect at that time, she would likely have received legal protection from her abuser and would have been spared much fear and hardship.

Victims of domestic violence experience physical and emotional trauma. They deserve every opportunity to seek protection from their abusers. SB 280 would enable more victims to file for Protective Orders, a key step in helping them in their journeys to safety.

We ask that you give a favorable report to SB 280.

Respectfully,

Mary Beth Demartino, LCSW

Executive Director, NASW-MD

SB 280_FAV_MULLIGAN.pdf

Uploaded by: Melanie Shapiro

Position: FAV

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](#)

SB 280_FAV_PICK.pdf

Uploaded by: Melanie Shapiro

Position: FAV



Family Crisis Resource Center, Inc.

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Cumberland, MD 21502
301-759-9246 office
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office@familycrisisresourcecenter.com

BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial
HEARING DATE: February 9, 2022
POSITION: **SUPPORT**

My name is Rhonda Pick. I have been an Advocate and Lethality Assessment Coordinator at Family Crisis Resource Center in Allegany County for the past 21 years working with victims of domestic violence and sexual assault/abuse. Living and working in a rural community often presents barriers for those seeking assistance in leaving a domestic violence relationship safely. The most common barrier is transportation. Victims in our community often do not own or have access to a vehicle and depend on family, friends, and the limited transportation system to access services. It is common for those living in the outlying areas to travel 30 – 45 minutes to reach the city center, where most services are located, making the decision to file for a protective order seem like an insurmountable task. While victims often do not want to burden others with being driven to the courthouse to file for a Protective Order, they will ask for assistance in getting to the hospital to be examined after an assault. Over the last 5 years, UPMC Western Maryland performed 512 lethality assessments on patients, with 424 of those patients being “screened in” as high danger of being killed as a result of an act of domestic violence. Allowing victims to petition the District Court for an Interim or Temporary Protective Order via electronic filing and video conferencing while at the hospital would help many in our community break the transportation barrier and allow easy access to the civil justice remedies available to them.

Electronic filing and video conferencing will also decrease the possibility of abusers following victims to the courthouse to harass or cause further harm to them or those that are assisting them. Abusers not only hurt or kill their partners, they also do harm to others in the victims’ lives. A study published in the American Journal of Public Health in March 2014; **Intimate Partner Homicide and Corollary Victims in 16 States: National Violent Death Reporting System, 2003–2009**; **Sharon G Smith** PhD, **Katherine A. Fowler** PhD, and **Phyllis H. Niolon** PhD; states that not all victims of domestic homicide are the intimate partner of the offender. According to their study approximately 20% of the victims were corollary victims. These victims included family members, new intimate partners, friends, acquaintances, police officers, and strangers. Senate Bill 280 would allow victims and their support persons to be safe from abusers while filing for a protective order.

With the pandemic, the courts, victim service agencies, and hospitals throughout the state of Maryland have had to alter their approach to delivering services. The technology exists and is currently utilized by both the courts and hospitals on a routine basis.

For the reasons listed above, we are asking for a favorable report on Senate Bill 280.



The GOCCP funded this project under sub award numbers DOMV-2022-0001, VOCA-2020-0045, VOCA-2021-0005, VAWA-2021-0006, & SASP-2020-0011. All points of view in this document are those of the author and do not necessarily represent the official position of any State or Federal Agency.

SB 280_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2022
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report with sponsor amendments on SB 280.**

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.

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² Phyllis W. Sharps, Jane Koziol-McLain, Jacquelyn Campbell, Judith McFarlane, Carolyn Sachs, Xiao Xu,



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.

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, the **Maryland Network Against Domestic Violence urges a favorable report with sponsor amendments on SB 280.**

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>.

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

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

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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 \(courtsww.gov\)](#)

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](#)

SB 280_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2022
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report with sponsor amendments on SB 280.**

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

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

² Phyllis W. Sharps, Jane Koziol-McLain, Jacquelyn Campbell, Judith McFarlane, Carolyn Sachs, Xiao Xu,



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.

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, the **Maryland Network Against Domestic Violence urges a favorable report with sponsor amendments on SB 280.**

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>.

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 \(courtsww.gov\)](#)

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](#)

SB 280 - Protective Orders.pdf

Uploaded by: Olivia Farrow

Position: FAV



Ascension Saint Agnes

February 4, 2022

To: The Honorable William C. Smith, Chair, Senate Judicial Proceedings Committee

Re: Letter of Support- Senate Bill 280 - Interim and Temporary Protective Orders- Electronic Filing and Video Conference Hearings

Dear Chair Smith:

On behalf of Ascension Saint Agnes Hospital, we appreciate the opportunity to comment in support of Senate Bill 280. The Bill will allow that “a petitioner receiving medical treatment at a hospital...may file electronically a petition for an interim protective order or a temporary protective order with a commissioner or a court...while at the hospital or urgent care center.” The Bill also provides that “a hospital...may, but is not required to, allow an individual to file a petition electronically or attend a video conference for an interim protective order or a temporary protective order while the individual is at the hospital...”

Here at Ascension Saint Agnes, we fully recognize the need for a safe and protected space for our patients to heal from traumatic events such as Intimate Partner Violence (IPV). Our Emergency Department is often the haven of last resort for persons undergoing such violence in their home.

Our clinical providers screen for IPV and refer to our care management team upon identification of a patient in need of assistance. We have trained care coordinators and social workers that assist in educating the patient on their rights and also assist with navigating their access to vital resources. Very often, however, victims are so isolated that they lack access to basic transportation just to file a complaint or attend court hearings.

We have also seen that many patients who are victims of IPV, and are ready to take action on their own behalf, are often only ready at that moment of crisis in the hospital. A seamless transition to an electronic filing of a protective order and having the hearing via video conference allows the patient to receive that extra protection before discharge from the hospital. A discharge safety plan can be better executed from a hospital where the victim is isolated from the perpetrator and receives the support from the hospital staff.

There are many victims of violence who come through our doors at the hospital. Many do not admit that they are victims of IPV. In the past 5 months we have seen 150 patients who are victims of violence, and while only 25% of those acknowledge themselves as victims of IPV, we know that it is likely that many others are victims as well. Access to immediate filings and hearings that seek to protect the patient will allow more reluctant victims to have a deeper resolve to confront their situation without delay. This Bill will support those victims and provide an immediate enhancement to their quality of life.

We look forward to your support of Senate Bill 280.

Thank you,

A handwritten signature in black ink, appearing to read "Ed Lovern". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ed Lovern, President & CEO
Ascension Saint Agnes Hospital

For more information, please contact:

Name: Olivia Farrow

Title: Director of Community Engagement and Advocacy

Hospital: Ascension Saint Agnes

Email Address: Olivia.Farrow@Ascension.org

Support SB280- Interim and Temporary Protective Or

Uploaded by: Sarah Miicke

Position: FAV

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Rabbinical Council of America
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Shaarei Tfiloh Congregation
Shomrei Eemunah Congregation
Simon E. Sobeloff Jewish Law Society
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
 Baltimore District



WRITTEN TESTIMONY

Senate Bill 280- Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings

Judicial Proceedings Committee – February 9, 2022

SUPPORT

Background: Senate Bill 280, (SB280) would enable eligible victims of abuse to petition electronically for an interim or temporary protective order in a hospital setting. Eligible victims include victims of child abuse, domestic violence, sexual assault and abused vulnerable older adults. The victim would simply fill out the online protective order form, submit it electronically and have their *ex parte* hearing virtually while in the safety of a hospital.

Written Comments: The Baltimore Jewish Council represents the Associated Jewish Community Federation of Baltimore and its agencies. We support SB280 because it enhances safety and improves access for victims of abuse. Violence is not ever only physical, it can be emotional, financial and technological. Victims are often tracked by their abuser on their phone or via a tracking device, making it a huge risk to go to the court to apply for a protective order. However, going to a hospital, where staff are trained and generally screen for violence, removes a huge burden for victims.

Currently in Maryland, victims of violence cannot leave the hospital with any protection from their abuser. Their abuser could be in the waiting room, the parking lot or at home. The ability to leave the hospital with protection is hugely important to their future safety.

Lastly, this is not a new concept, other states, like New Jersey, have been doing similar virtual hearings for over 10 years. Recently, California, Washington State, West Virginia and Washington D.C. expanded electronic accessibility and access of protective orders and other filings and hearings to help victims. Maryland's judiciary has the technological ability to accept electronic filings and conduct electronic hearings. Throughout the pandemic, all types of hearings have been heard virtually. SB280 takes the positive lessons learned from Covid and increases safety for victims of violence.

For these reasons, the Baltimore Jewish Council asks for a favorable report on SB280.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

SB280_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



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The Senate of Maryland ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN SB 280-Interim and Temporary Protective Orders

Domestic violence continues to have devastating impacts on the livelihood and well being of the American people. One in four women and one in seven men will be victims of domestic violence at least once in their lifetime. Survivors of domestic violence have higher rates of mortality and are more likely to attempt suicide, abuse alcohol, and drugs, develop comorbid psychiatric conditions, contract sexually transmitted infections, and deliver low-weight babies. Beyond the detrimental impacts on survivors, domestic violence also affects the larger community, particularly children. Children who witness domestic violence often suffer from acute emotional trauma and are more likely to become perpetrators of domestic violence in the future. As a result, each year, the federal government spends over 55 billion dollars on dealing with the effects of childhood exposure to domestic violence. The epidemic of domestic violence extends to Maryland with 34.4% of women and 28.8% of men in Maryland experiencing interpersonal violence.

An important component to the national response to combat domestic violence is the implementation of domestic violence protection orders which allow survivors of intimate partner violence to request the assistance of courts to ensure they are protected from ongoing domestic violence. Studies that evaluate the efficacy of domestic violence prevention orders have demonstrated statistically significant associations between states that have domestic violence prevention order laws and a decrease in intimate partner homicide. Despite the efficacy of domestic violence protective orders, barriers to filing a protective order leave survivors vulnerable to ongoing violence. This bill seeks to increase access to protective orders by authorizing petitioners who are receiving treatment at a hospital to file for an interim or temporary protective order electronically and further requiring courts or commissioners that receive this petition to hold a hearing through video conferencing.

This bill enables survivors of domestic violence who are seeking an interim or temporary protection order to do so electronically from the hospital. They may be there as a result of an injury sustained from intimate partner violence or for any other reason. Clients of domestic violence programs - and you will hear from some today - tell us that they feel more comfortable disclosing to their health care professionals than others and that they feel safe pursuing protections from a hospital.

You will also hear about This bill establishes this connection and protects survivors of domestic violence and their larger communities from the pernicious illness of domestic violence. I would like to ask for your support of SB 280 so we can protect the residents of Maryland. Thank you.

¹ "Domestic Violence Services - SAFE & Domestic Violence Program at GBMC." n.d.

¹ "Impact of Domestic Violence on Health." n.d. VAWnet.Org. National Resource Center on Domestic Violence.

¹ “Exposure to Domestic Violence Costs US Government \$55 Billion Each Year: Exposure to Domestic Violence Carries Long-Term Consequences for Both Children and Society.” n.d. ScienceDaily.

¹ National Center for Injury Prevention and Control (2019). The national intimate partner and sexual violence survey: 2010-2012 State Report. Centers for Disease Control and Prevention

SB 280 - testimony - electronic filing of protecti

Uploaded by: Wendy Lane

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Testimony before the Senate Judicial Proceedings Committee Bill #SB 280: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings

February 8, 2022

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC **supports** passage of SB 280: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings.

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 physical or sexual abuse, sexual assault, abused vulnerable adults, and victims of domestic violence benefit from SB 280. Enabling victims and survivors to electronically petition for a protective order from a hospital removes the tremendous barrier of needing to physically appear at a courthouse to file a petition and complete the required *ex parte* initial hearings.

Health care professionals at hospitals already screen for domestic violence, treat children with injuries from physical abuse, and perform forensic medical exams for victims of sexual abuse and assault. They are mandated reporters of child abuse and abuse of vulnerable adults. Yet under current law, a victim or caregiver must leave the safety of the hospital and the professionals available to them in the hospital setting to obtain the safety a protection order offers. A victim of domestic violence or sexual assault 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. Under current law, caregivers of abused children may need to spend hours away from their child to file a petition and complete the hearings. Electronic petitions would enable parents to spend more time where they are most needed; comforting their children and helping them heal.

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 play in identifying domestic violence and assisting victims before they are re-injured or even worse, killed. Children with significant abusive injuries are often brought to the emergency department for treatment and may require hospitalization for injury management. Hospitals can be stressful places for young

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>.

children, but parental presence can ease that stress.

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 during the pandemic to improve victim access to courts and orders of protection.

The technology currently exists in Maryland courthouses; they have conducted virtual hearings throughout the pandemic. It is therefore no longer necessary to require a victim or caregiver to travel to a courthouse and risk their own or their child's safety and well-being to obtain a protective order. 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 committee report with sponsor amendments on SB 280.

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 \(courtsww.gov\)](#)

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](#)

SB 280 FWA House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: FWA



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

SUPPORT WITH AMENDMENTS FOR SENATE BILL 280

February 9, 2022

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal representation to victims of domestic violence throughout the State. Senate Bill 280 would allow a protective order petitioner receiving medical treatment at a hospital to electronically file a petition for an interim or temporary protective order and require the court to hold the hearing through video conferencing. **House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 280 and issue a favorable report.**

House of Ruth fully supports the concept of allowing a survivor who is hospitalized as a result of an incident of domestic violence to be able to access a protective order remotely. We are concerned that SB 280, as written, would not work procedurally as currently there is no way to alert a court commissioner that a petitioner wants to file an interim protective order during nights and weekends. If the legislature is inclined to pass SB 280, House of Ruth suggests limiting the scope to temporary protective orders when the District Court is open. This would allow the petitioner to call the court to alert them that s/he is filing.

In addition, House of Ruth urges the Senate Judicial Proceedings to strike page 2, lines 11 through 15, as we believe a hospital should not be able to decide whether a survivor should be allowed to obtain a protective order remotely.

Finally, while House of Ruth strongly supports enabling hospitalized survivors to obtain a temporary protective order remotely, we believe it is also important to connect survivors to domestic violence services. Domestic violence service providers throughout the State provide survivors with information, referrals, counseling, legal representation, lethality assessment and safety planning. Petitioners who file remotely are more likely to miss an opportunity to connect to these services. House of Ruth encourages the hospitals to connect domestic survivors to domestic violence service providers, both in-house and local, so that survivors not only obtain protective orders, but also receive other lifesaving services, including representation at the final protective order hearing.

The House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 280 and report favorably.

SB 280 - FWA - Women's Law Center of Maryland.pdf

Uploaded by: Laure Ruth

Position: FWA

BILL NO: Senate Bill 280
TITLE: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2022
POSITION: **FAVORABLE WITH AMENDMENTS**

Senate Bill 280 would provide that certain victims of intimate partner violence are able to file for an interim or temporary order of protection from a hospital or other health setting. The Women’s Law Center supports this bill as it would allow some of our most vulnerable victims to seek the safety of a Protection Order from a remote location in certain circumstances. We do have just a few small issues with the bill as originally drafted, and understand there will be amendments to address some of these issues.

As we have seen during the time of the world-wide pandemic, courts have been able to create systems and processes for citizens to attend court from a remote location. It has been successful, with full, sometimes multiday trials being held online, and there are provisions for filing of exhibits and evidence. It has not been without a learning curve for all, but now has mostly become standard and acceptable. However, while many types of cases have been moved to the remote setting, hearings on orders of protection have largely been required to be held in person. It is not clear why a broad swath of other cases have been able to be moved to remote hearings, while these have not. SB 280 would allow, but not require, a victim who is in a hospital setting to file for an interim or temporary order of protection from that hospital setting. Certainly a person who has to go to or be in the hospital is particularly vulnerable, and making them go to the court, when so many others have not been required to go to the court to be heard, creates a barrier to seeking safety. We generally encourage any systems to increase access to our court systems and we support this effort.

We understand that there are amendments to remove urgent care centers from the bill, and we support that amendment. We also understand that page 2, lines 11-12 will be clarified because as drafted it would give the hospital the power to decide whether a victim can file or not, and that was not the intent. This bill has been repeatedly described as “enabling,” just saying that a person in this specific circumstance, can file remotely should they choose.

We have two major concerns with this laudable bill. First, we are not sure how, logistically, a person from a hospital can file with a commissioner, which is where all interim orders initiate when the courts are closed. It makes no sense to us to “enable” a process that has no hope of getting developed. It might be wiser to limit this, for now, to only temporary orders of protection, and then work with the judiciary to develop a process for interim orders.

Second, we do have a serious concern about how these vulnerable people will get connected to important services in their jurisdiction. Perhaps there could be language to encourage or require the hospital personnel to make the connection with a local domestic violence agency. Then an advocate or staff member from that agency could be the person to assist in filing for the temporary or other order,

and continue to assist the victim ongoing if it makes sense for all. This might in turn lessen the burden on our overworked hospital staff.

The committee should be clear that these victims still may face danger and uncertainty even if they are able to get an interim or temporary protective order remotely. That Order still has to be served on the Respondent before it becomes effective, so this bill does not provide immediate safety for victims who have sought hospital services.

Finally, we note that other states are already doing some version of this, and often allowing remote filings and hearings to an even broader group of victims, so this is not a new idea, and we fully support more access to the courts.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 280, with amendments.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.

BPW_MD SB0280 Written Testimony.pdf

Uploaded by: Rebecca Wise

Position: FWA



Bill No: **SB0280** (HB0296)

Title: **Interim and Temporary Protective Orders - Electronic Filing and Video Conferencing Hearings**

Committee: **Judicial Proceedings**

Hearing Date: **2/9/22**

Position: **FAVORABLE WITH AMENDMENTS**

Business and Professional Women of Maryland (BPW/MD) is a non-partisan, non-sectarian, member-supported nonprofit focused on eliminating gender discrimination in employment, the principle of equal pay, and the need for a comprehensive equal rights amendment to protect women's civil rights. Our mission is advanced through legislative advocacy, professional development, and public education. Founded in 1929, BPW/MD has advocated for equality legislation at both the national and state level.

As an association of pro-equality citizens and a partner of pro-equality organizations, BPW/MD fully supports SB 280 and the protections it offers women. Women were the victims in an average of 74% of the Final Protection Order hearings in Maryland in 2021¹, and research has shown that women are also the majority of victims in instances of sexual assault.² Forcing already-victimized women to leave the safety of a hospital to obtain a protective order further endangers them. A victim may lack safe transportation, be physically unwell/injured, or still be experiencing the trauma that required medical care in the first place; their abuser might even be sitting in the waiting room.

Healthcare settings play a critical role in identifying domestic violence and assisting victims before they suffer further injuries or even death. Maryland hospitals already screen for domestic violence, and victims of sexual assault must visit a hospital to obtain a SAFE exam. A study of femicide showed that 41% of victims sought health care for physical injury or mental health issues before they were killed by their intimate partner.³ Enabling women to electronically file for a protective order from a hospital would help maintain their safety and potentially save lives.

Several other states already accept electronic petitions for protective orders; in Maryland, the technology exists and courts have conducted virtual hearings throughout the pandemic. For these reasons, BPW/MD urges a favorable report with sponsor amendments on SB 280.

¹ "Domestic Violence Monthly Reports." *Maryland Courts*, 2021, <https://www.courts.state.md.us/eservices/dvmonthlypublicreports>.

² Rennison, C. A. (2002). Rape and sexual assault: Reporting to police and medical attention, 1992-2000 [NCJ 194530]. Retrieved from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistic

³ Phyllis W. Sharps, Jane Koziol-McLain, Jacquelyn Campbell, Judith McFarlane, Carolyn Sachs, Xiao Xu, Health Care Providers, #39; Missed Opportunities for Preventing Femicide, *Preventive Medicine*, Volume 33, Issue 5, 2001, Pages 373-380.

sb280.pdf

Uploaded by: Sara Elalamy

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 280
Interim and Temporary Protective Orders – Electronic Filing and
Video Conferencing Hearings
DATE: January 19, 2022
(2/9)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 280.

While the Judiciary supports what this bill is trying to accomplish, it has concerns about its mechanics. Courts and commissioners' offices have no systems in place to accept electronic filings, particularly in non-MDEC jurisdictions. In particular, this bill will be difficult to implement in Baltimore City and Prince George's County, as those courts are unable to accept electronic filings at this time.

In addition, neither the bill nor the Health-General Article defines what qualifies as an "urgent care center." The requirement that hearings be held by video conferencing also overlooks the needs of those patients who do not have access to camera-enabled devices.

Further, the bill also poses additional technical and practical difficulties. The bill has no timeline for when the video conference will and can take place. If the petitioner is only temporarily at an urgent care facility and subsequently leaves, they still have the right to request a video hearing even though they presumably could come to court like other petitioners. This process gives no room for a change in circumstances, such as a petitioner who is no longer in the care of a hospital or urgent care center. It is also unclear if during business hours these would come into the court like walk in petitions currently do or would they have to come in via video to a courtroom. It is further unclear on the process if the respondent shows up for the temporary hearing. This happens often and now the court is put in a position of not being able to access credibility, etc. of both parties equally. In addition, petitioner privacy in a hospital or urgent care center may be severely limited.

The bill also does not limit or define the type of video conference platform that may be used to conduct protective order hearings. At a minimum, the bill should limit the use of

video conference hearings to hearings conducted using video conference platforms acceptable to the Judiciary. Finally, the Judiciary is concerned that the bill requires the court to hold a temporary protective order hearing through the use of video conferencing at the request of the petitioner, rather than giving courts discretion to do so. There may be any number of circumstances where either the petitioner or the court is not able to use videoconference technology, or where the court believes that a video conference hearing is inappropriate.

cc. Hon. Shelly Hettleman
Judicial Council
Legislative Committee
Kelley O'Connor

SB 280- Interim and Temporary Protective Orders -

Uploaded by: Erin Dorrien

Position: INFO



Maryland
Hospital Association

February 9, 2022

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Information - Senate Bill 280 - Interim and Temporary Protective Orders -
Electronic Filing and Video Conferencing Hearings

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 280.

Across the state, there are hospital-based programs with specialty trained health care workers, such as forensic nurse examiners and social workers, who care for survivors of [domestic violence](#), [sexual assault](#), and other forms of violence. Safe discharge planning is a key focus for patients and health care workers caring for them. Currently, staff in hospital-based programs help patients print forms if they express an interest in filing a protective order after discharge. These proactive measures promote a safe discharge planning process and potentially prevent readmission.

SB 280 would allow a patient to file an electronic petition for an interim or temporary protective order. The bill allows the patient to attend a virtual hearing at the hospital. Some hospital-based programs may have the physical space, equipment, and staff to assist with this process, yet there are several considerations before implementing this process statewide.

Maryland hospitals are experiencing a staggering workforce crisis. This process would presumably require training to understand the process, risks, and benefits of requesting a protective order. Additionally, supplemental staff could be needed depending on the length of time required to complete the petition and/or participate in the hearing.

There are hospitals that have the resources and staff to implement SB 280, however, it may not be practical for other hospitals. We support the intent of the legislation and welcome the opportunity to work with the sponsor and advocates on this issue.

For more information, please contact:
Erin Dorrien, Director, Government Affairs & Policy
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