
BILL NO.: House Bill 887
TITLE: Domestic Violence - Protective Orders - Status Hearings
COMMITTEE: Judiciary
DATE: February 24, 2022
POSITION: **SUPPORT**

House Bill 887 would give petitioners in protection order cases the ability to be heard by a judge while an order of protection is in effect. The Women's Law Center of Maryland supports HB 887 as it may assist this mostly unrepresented group of litigants who need just a bit of assistance from a court after an order of protection has been entered.

Under current law, petitioners in protective order cases only have two remedies to address any issues that may arise while a final protective order is in place: contempt and/or modification. It is difficult for petitioners, the majority of whom are self-represented, to pursue these remedies, as both have complicated procedural and legal hurdles. We support an easier and more expeditious way for petitioners to get help from the court so they are not stymied by procedural hurdles they cannot overcome. HB 887 would be useful for the smaller and yet still important issues a petitioner may face if a respondent is being unresponsive in some way to the court order.

Civil contempt is used to seek to have parties abide by relief granted in a protection order that is short of what would amount to criminal behavior if respondent violated (for violations of the stay away and no contact provisions, they usually file criminal contempt, with the state's attorney's office handling the case). Usually, this is failure to pay the emergency family maintenance, failure to abide by any custody provision or the like. But there are times when it is something that really does not rise to the level of contempt, such as chronic lateness at the child exchange, or failing to provide the insurance card for the child. With the assistance of the court in a brief hearing, it may be resolved short of having to file for contempt or to modify an order. At the very least, the court could give its attention and indicate whether contempt or modification must be sought.

Arguably, after a recent Court of Special Appeals case, *Breona v. Rodney*, petitioners cannot invoke the power of contempt to enforce compliance with a final protective order. For example, the court could not make a finding of contempt against a respondent in a protective order case who continually violates the visitation schedule established in a protective order. In that situation, a status hearing would give the court the opportunity to monitor the respondent's adherence to the order.

House Bill 887 would give protective order petitioners a straightforward means of asking the court to hold a hearing and address any ongoing issues related to the protective order case. This will enhance the safety of victims of domestic violence and their children and give them greater access to the courts.

Thus, the Women's Law Center of Maryland urges a favorable report for HB 887.

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.