
BILL NO: House Bill 296
TITLE: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings
COMMITTEE: Judiciary
HEARING DATE: February 3, 2022
POSITION: **FAVORABLE WITH AMENDMENTS**

House Bill 296 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. HB 296 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.

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 House Bill 296, 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.