

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 296
Interim and Temporary Protective Orders – Electronic Filing and
Video Conferencing Hearings
DATE: January 19, 2022
(2/3)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 296.

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 assess 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. Charlotte Crutchfield
Judicial Council
Legislative Committee
Kelley O'Connor