



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 433 – Family Law – Temporary and Final Protective Orders
– Duration and Relief

Chair Smith, VC Waldstreicher, Members of JPR:

Thank you for considering SB 433. This bill has two parts to it. First, it moves the time between a Temporary Protective Order (TPO) and a Final Protective Order (FPO) from 7 to 14 days, which better aligns us with the rest of the country. Second, it provides financial relief to the petitioner for expenses that they incurred as a direct result of the abuse.

Right now our law provides that a TPO lasts for seven days,¹ which means a hearing is scheduled for seven days later for the final protective order. During that seven-day period, the respondent is to be served a copy of the TPO.

That seven-day period between the TPO and the FPO is too short. During that time period, a victim often has to find a safe place to live, ensure care for their children, get medical care, and get an attorney. Having to do those things within 7 days is extremely difficult – especially when one is juggling a job and child care. Respondents also need the additional time, including time to find a lawyer.

The problems are compounded when service is not made during those seven days. While TPOs are generally served within 24-48 hours, sometimes the respondent cannot be found. The petitioner has to go to court seven days later anyway. They will go in and the judge will continue the case because the respondent has not been served. Then the petitioner will have to go back at a date that the judge orders, and likely yet another time, after the defendant has been served. In addition to all the things I mentioned earlier, moving from 7 days to 14 days will give more time for service.

Maryland is only one of two states in the entire country with less than 10 days between the TPO and the FPO. It is us and Wyoming.

¹ Family Law, § 4-505

Moving to the second part of the bill. The bill provides that a Final Protective Order may include ordering the respondent to pay for losses or expenses incurred as a direct result of the abuse. Think about that broken tooth that happened when he hit her so hard she slammed into the floor. Or the door he broke when he smashed his fist through it. Or the rent she had to pay to move herself and the kids out of the house to stay safe. Right now, the victim has to pay for the damage the abuser did. It is not fair and it is not right. The cost should be paid by the one who caused it.

I respectfully request a favorable report on SB 433.