



To: House Judiciary Committee
From: Alana C. Brown, Executive Director of Court Watch Montgomery
Hearing Date: January 29, 2026
Bill: HB83 – Family and Law Enforcement Protection Act
Position: **FAVORABLE**

Dear Chair Bartlett, Vice Chair Davis, and Members of the Judiciary Committee:

Court Watch Montgomery is the only organization in Maryland that observes and collects data on what happens in domestic violence hearings. Since 2011, our volunteers have monitored more than 14,000 protective order and criminal domestic violence hearings in Montgomery County District Court. We aim to ensure that survivors of intimate partner violence in Montgomery County and throughout Maryland have access to justice and services that will stop abuse quickly and permanently. Our findings help the public understand what happens in court and provide context for consideration of changes in law, policy, or practice.

As close observers of the protective order process in Montgomery County for the last 15 years, we support the proposed reforms in the Family and Law Enforcement Protection Act, HB83.

Data collected by Court Watch volunteers have specific relevance to certain provisions in HB83, as described below and in more detail in our newly released [report](#).

Information about respondents’ gun possession: HB83 would require petitioners to provide more information about the respondent’s possession of guns at the time they file their original petition. Currently, the written petition asks only that petitioners fill in the blank provided at the end of this statement: “The respondent owns or has access to the following firearms.” It does not directly ask if the respondent has guns or where they are located, although petitioners may indicate they want the respondent to surrender firearms to a law enforcement agency.

Specific details about guns are critical for the court to assess the risk facing petitioners and for law enforcement to serve protective orders safely and retrieve guns quickly. Additional information also would help implement provisions in HB83 intended to (1) expedite the process for law enforcement to ensure respondents surrender any guns and (2) allow law enforcement to obtain a search warrant, if they have probable cause to believe a respondent has failed to surrender guns.

It is a best practice identified by the [Maryland District Court](#) for judges to ask petitioners at a protective order hearing if the respondent has guns. Court Watch volunteers record whether Montgomery County judges ask this question of *either* petitioners or respondents. *Our data show*

that judges do not routinely ask either party if the respondent has guns. During January 2024-July 2025, judges asked petitioners about respondents' guns at 51% of temporary and 29% of final hearings that we monitored. These rates were higher when respondents were absent and much lower when respondents were present. Judges asked respondents directly if they had guns at just 39% of hearings.

While judges make an effort to inquire about guns in open court, there may be reasons why they don't do this routinely, including concerns about petitioners' safety or questions about respondents' truthfulness. Thus, our finding lends support for the provision in HB83 to require more information from petitioners about respondents' guns at the time they file for a protective order; e.g., location, make and model, number of guns.

Mandatory gun restrictions in temporary orders. Maryland law allows (but does not require) judges to include gun restrictions in temporary orders, including after *ex parte* hearings where respondents are not present. By granting a temporary order, the court has necessarily found that abuse has occurred. This means the victim is at risk, which is heightened when the abuser has guns. Final hearings are typically scheduled for one week after a temporary order is granted, but temporary orders can be extended in Maryland for up to six months for certain reasons, most commonly if the respondent has not been served. Without gun restrictions in the temporary order, many petitioners will lack protection for a period far longer than a week, as the respondent may know of the order but avoid service. Delays in service are common, and not having gun restrictions in the temporary order amplifies the danger for the petitioner. For example, respondents who do not have a gun at the time the temporary order is issued could legally acquire one (provided they are not otherwise restricted) before the final order hearing.

Court Watch volunteers monitor whether Montgomery County judges explain the gun restrictions included in a protective order to respondents and petitioners present at a hearing. This is a best practice identified by the Maryland District Court. *Our data show that judges explained gun restrictions at 68% of hearings where a temporary order was granted.* We have no access to the orders themselves, and this statistic might understate the rate at which judges actually included gun restrictions in temporary orders. However, it is a useful proxy that indicates Montgomery County judges do use their discretion to impose gun restrictions at the temporary stage, or the earliest point legally allowable.

This finding lends support for the provision to mandate gun restrictions in all temporary orders. Montgomery County judges do this now at a relatively high rate under their discretionary authority (at more than 2/3 of temporary hearings), suggesting the practice is both feasible and supported by the judiciary. But this rate is not high enough to protect all victims and may also be lower in other counties. A policy that mandates gun restrictions in all temporary orders would close the gap and ensure greater protection for more victims as early as possible in the protective order process.

Safety planning at interim stage. Finally, while Court Watch does not monitor the interim order process, we express our support for the proposed requirement in HB83 that court commissioners provide safety planning resources to petitioners at the time they issue an interim order. These short-term orders are issued during nights and weekends when court is closed and

resources are hard to find. But for many victims, interim orders are the first step in the protective order process, when they are at high risk of retaliation by their abusers and safety planning is essential.

We thank you for the opportunity to submit testimony and urge the Committee to favorably report the Family and Law Enforcement Protection Act, HB83.

Court Watch Montgomery * 8620 Georgia Avenue, Suite 302 * Silver Spring, MD 20910
info@courtwatchmontgomery.org * 301 327-0029