

HOUSE BILL 1018

D4

11r2683

By: **Delegates Glass, Afzali, Barve, Boteler, Haynes, Hixson, Howard, Kaiser, Krebs, Luedtke, McComas, Parrott, Rosenberg, Ross, Stukes, F. Turner, Valderrama, Waldstreicher, and Walker**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Protective Orders – Additional Relief**

3 FOR the purpose of authorizing a judge, in a final protective order, to order the
4 respondent to remain a specified distance away from a person eligible for relief;
5 ~~prohibit the respondent from being on a public or private road or parking lot~~
6 ~~adjacent to the residence of a person eligible for relief, and provide any other~~
7 ~~relief the judge determines is appropriate under the circumstances to protect a~~
8 ~~person eligible for relief;~~ and generally relating to protective orders.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–506(d)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Family Law**

17 4–506.

18 (d) The final protective order may include any or all of the following relief:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) order the respondent to refrain from abusing or threatening to
2 abuse any person eligible for relief;

3 (2) order the respondent to refrain from contacting, attempting to
4 contact, or harassing any person eligible for relief;

5 (3) order the respondent to refrain from entering the residence of any
6 person eligible for relief;

7 (4) where the person eligible for relief and the respondent are residing
8 together at the time of the abuse, order the respondent to vacate the home
9 immediately and award temporary use and possession of the home to the person
10 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
11 vulnerable adult, award temporary use and possession of the home to an adult living
12 in the home, provided that the court may not grant an order to vacate and award
13 temporary use and possession of the home to a nonspouse person eligible for relief
14 unless the name of the person eligible for relief appears on the lease or deed to the
15 home or the person eligible for relief has shared the home with the respondent for a
16 period of at least 90 days within 1 year before the filing of the petition;

17 (5) order the respondent to remain away from the place of
18 employment, school, or temporary residence of a person eligible for relief or home of
19 other family members;

20 (6) order the respondent to remain away from a child care provider of
21 a person eligible for relief while a child of the person is in the care of the child care
22 provider;

23 **(7) ORDER THE RESPONDENT TO REMAIN A SPECIFIED DISTANCE**
24 **AWAY FROM A PERSON ELIGIBLE FOR RELIEF;**

25 **[(7)] (8)** award temporary custody of a minor child of the respondent
26 and a person eligible for relief;

27 **[(8)] (9)** establish temporary visitation with a minor child of the
28 respondent and a person eligible for relief on a basis which gives primary
29 consideration to the welfare of the minor child and the safety of any other person
30 eligible for relief. If the court finds that the safety of a person eligible for relief will be
31 jeopardized by unsupervised or unrestricted visitation, the court shall condition or
32 restrict visitation as to time, place, duration, or supervision, or deny visitation
33 entirely, as needed to guard the safety of any person eligible for relief;

34 **[(9)] (10)** award emergency family maintenance as necessary to
35 support any person eligible for relief to whom the respondent has a duty of support
36 under this article, including an immediate and continuing withholding order on all
37 earnings of the respondent in the amount of the ordered emergency family

1 maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part
2 III of this article;

3 [(10)] (11) award temporary use and possession of a vehicle jointly
4 owned by the respondent and a person eligible for relief to the person eligible for relief
5 if necessary for the employment of the person eligible for relief or for the care of a
6 minor child of the respondent or a person eligible for relief;

7 [(11)] (12) direct the respondent or any or all of the persons eligible for
8 relief to participate in professionally supervised counseling or a domestic violence
9 program; ~~for~~

10 [(12)] (13) order the respondent to pay filing fees and costs of a
11 proceeding under this subtitle;

12 ~~(14) PROHIBIT THE RESPONDENT FROM BEING ON A PUBLIC OR~~
13 ~~PRIVATE ROAD OR PARKING LOT ADJACENT TO THE RESIDENCE OF A PERSON~~
14 ~~ELIGIBLE FOR RELIEF WITHOUT A LAWFUL PURPOSE; OR~~

15 ~~(15) ANY OTHER RELIEF THE JUDGE DETERMINES IS~~
16 ~~APPROPRIATE UNDER THE CIRCUMSTANCES TO PROTECT A PERSON ELIGIBLE~~
17 ~~FOR RELIEF.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.