

SENATE BILL 227

D4

0lr2034
CF HB 250

By: **Senators Waldstreicher, Lee, Peters, Smith, and Sydnor**

Introduced and read first time: January 17, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Final Protective Order – Extension**

3 FOR the purpose of specifying that, if a petitioner or person eligible for relief files a certain
4 motion to extend the term of a final protective order during the term of the order and
5 a hearing on the motion is not held before the order’s original expiration date, the
6 order is automatically extended and its terms remain in full force and effect until the
7 hearing on the motion; and generally relating to the extension of final protective
8 orders.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–507
12 Annotated Code of Maryland
13 (2019 Replacement Volume)

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

16 **Article – Family Law**

17 4–507.

18 (a) (1) A protective order may be modified or rescinded during the term of the
19 protective order after:

20 (i) giving notice to all affected persons eligible for relief and the
21 respondent; and

22 (ii) a hearing.

23 (2) For good cause shown, a judge may extend the term of the protective

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 order for 6 months beyond the period specified in § 4–506(j) of this subtitle, after:

2 (i) giving notice to all affected persons eligible for relief and the
3 respondent; and

4 (ii) a hearing.

5 (3) (i) Subject to subparagraph (ii) of this paragraph, a judge may
6 extend the term of a protective order for a period not to exceed 2 years from the date the
7 extension is granted if:

8 1. during the term of the protective order, the judge finds by
9 a preponderance of the evidence that the respondent named in the protective order has
10 committed a subsequent act of abuse against a person eligible for relief named in the
11 protective order; or

12 2. the respondent named in the protective order consents to
13 the extension of the protective order.

14 (ii) The judge may extend the term of the protective order under
15 subparagraph (i) of this paragraph after:

16 1. giving notice to all affected persons eligible for relief and
17 the respondent; and

18 2. a hearing.

19 (iii) In determining the period of extension of a protective order under
20 subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

21 1. the nature and severity of the subsequent act of abuse;

22 2. the history and severity of abuse in the relationship
23 between the respondent and any person eligible for relief named in the protective order;

24 3. the pendency and type of criminal charges against the
25 respondent; and

26 4. the nature and extent of the injury or risk of injury caused
27 by the respondent.

28 (4) (i) If, during the term of a final protective order, a petitioner or
29 person eligible for relief files a motion to extend the term of the order under paragraph (2)
30 or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after
31 the motion is filed.

32 (ii) If the hearing on the motion is [scheduled after] **NOT HELD**

1 **BEFORE** the original expiration date of the final protective order, [the court shall extend
2 the order and keep the] **THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE**
3 terms of the order **SHALL REMAIN** in full force and effect until the hearing on the motion.

4 (b) (1) If a District Court judge grants or denies relief under a petition filed
5 under this subtitle, a respondent, any person eligible for relief, or a petitioner may appeal
6 to the circuit court for the county where the District Court is located.

7 (2) An appeal taken under this subsection to the circuit court shall be heard
8 de novo in the circuit court.

9 (3) If an appeal is filed under this subsection, the District Court judgment
10 shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit
11 court orders otherwise, modification or enforcement of the District Court order shall be by
12 the District Court.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2020.