

HOUSE BILL 606

D4
HB 775/14 – JUD

5lr0874
CF SB 477

By: Delegates Dumais, Angel, Atterbeary, Barve, Campos, Clippinger, Cluster, Conaway, Gilchrist, Glenn, Hettleman, Hixson, Jalisi, Kelly, Kramer, Krebs, McComas, Metzgar, A. Miller, Moon, Pendergrass, S. Robinson, Rosenberg, Smith, Valderrama, Valentino–Smith, Waldstreicher, and B. Wilson

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 8, 2015

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Persons Eligible for Relief**

3 FOR the purpose of altering, for purposes of certain provisions of law relating to domestic
4 violence, the definition of “person eligible for relief” to include an individual who has
5 had a sexual relationship with a certain respondent within a certain period of time
6 before the filing of a certain petition; establishing a certain exception to a provision
7 that authorizes the court to include in a final protective order a requirement that
8 certain individuals participate in certain counseling or a domestic violence program;
9 and generally relating to domestic violence.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 4–501(m) and 4–506(d)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

18 4–501.

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 (m) "Person eligible for relief" includes:

2 (1) the current or former spouse of the respondent;

3 (2) a cohabitant of the respondent;

4 (3) a person related to the respondent by blood, marriage, or adoption;

5 (4) a parent, stepparent, child, or stepchild of the respondent or the person
6 eligible for relief who resides or resided with the respondent or person eligible for relief for
7 at least 90 days within 1 year before the filing of the petition;

8 (5) a vulnerable adult; [or]

9 (6) an individual who has a child in common with the respondent; **OR**

10 **(7) AN INDIVIDUAL WHO HAS HAD A ~~CONSENSUAL~~ OR**
11 **~~NONCONSENSUAL~~ SEXUAL RELATIONSHIP WITH THE RESPONDENT WITHIN 1 YEAR**
12 **BEFORE THE FILING OF THE PETITION.**

13 4-506.

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

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

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

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

21 (4) where the person eligible for relief and the respondent are residing
22 together at the time of the abuse, order the respondent to vacate the home immediately and
23 award temporary use and possession of the home to the person eligible for relief or, in the
24 case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use
25 and possession of the home to an adult living in the home, provided that the court may not
26 grant an order to vacate and award temporary use and possession of the home to a
27 nonspouse person eligible for relief unless the name of the person eligible for relief appears
28 on the lease or deed to the home or the person eligible for relief has shared the home with
29 the respondent for a period of at least 90 days within 1 year before the filing of the petition;

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

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

3 (7) award temporary custody of a minor child of the respondent and a
4 person eligible for relief;

5 (8) establish temporary visitation with a minor child of the respondent and
6 a person eligible for relief on a basis which gives primary consideration to the welfare of
7 the minor child and the safety of any other person eligible for relief. If the court finds that
8 the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted
9 visitation, the court shall condition or restrict visitation as to time, place, duration, or
10 supervision, or deny visitation entirely, as needed to guard the safety of any person eligible
11 for relief;

12 (9) award emergency family maintenance as necessary to support any
13 person eligible for relief to whom the respondent has a duty of support under this article,
14 including an immediate and continuing withholding order on all earnings of the respondent
15 in the amount of the ordered emergency family maintenance in accordance with the
16 procedures specified in Title 10, Subtitle 1, Part III of this article;

17 (10) award temporary use and possession of a vehicle jointly owned by the
18 respondent and a person eligible for relief to the person eligible for relief if necessary for
19 the employment of the person eligible for relief or for the care of a minor child of the
20 respondent or a person eligible for relief;

21 (11) EXCEPT WHEN A PROTECTIVE ORDER IS ISSUED FOR A PERSON
22 ELIGIBLE FOR RELIEF DESCRIBED IN § 4-501(M)(7) OF THIS SUBTITLE, direct the
23 respondent or any or all of the persons eligible for relief to participate in professionally
24 supervised counseling or a domestic violence program;

25 (12) order the respondent to pay filing fees and costs of a proceeding under
26 this subtitle; or

27 (13) award temporary possession of any pet of the person eligible for relief
28 or the respondent.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2015.