

# SENATE BILL 823

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0lr2239  
CF HB 700

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By: **Senator Forehand**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Protective Orders – Burden of Proof**

3 FOR the purpose of altering the standard of proof by which a judge in a protective  
4 order hearing must find that abuse has occurred before the judge may grant a  
5 final protective order; and generally relating to the standard of proof in a  
6 protective order hearing.

7 BY repealing and reenacting, with amendments,  
8 Article – Family Law  
9 Section 4–506(c)  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2009 Supplement)

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

14 **Article – Family Law**

15 4–506.

16 (c) (1) If the respondent appears before the court at a protective order  
17 hearing or has been served with an interim or temporary protective order, or the court  
18 otherwise has personal jurisdiction over the respondent, the judge:

19 (i) may proceed with the final protective order hearing; and

20 (ii) if the judge finds by [clear and convincing] A  
21 **PREPONDERANCE OF THE** evidence that the alleged abuse has occurred, or if the  
22 respondent consents to the entry of a protective order, the judge may grant a final  
23 protective order to protect any person eligible for relief from abuse.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)    A final protective order may be issued only to a person who has  
2 filed a petition under § 4–504 of this subtitle.

3                   (3)    (i)    Subject to the provisions of subparagraph (ii) of this  
4 paragraph, in cases where both parties file a petition under § 4–504 of this subtitle,  
5 the judge may issue mutual protective orders if the judge finds by clear and convincing  
6 evidence that mutual abuse has occurred.

7                               (ii)    The judge may issue mutual final protective orders only if  
8 the judge makes a detailed finding of fact that:

- 9   1.    both parties acted primarily as aggressors; and  
10    2.    neither party acted primarily in self–defense.

11                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2010.