

SENATE BILL 490

D3, D4

3lr1033
CF 3lr2524

By: **Senators Shank, Forehand, Jacobs, and Raskin**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Persons Eligible for Relief and Orders to Vacate Home**

3 FOR the purpose of altering, for purposes of certain provisions of law relating to
4 domestic violence, the definition of “person eligible for relief” to include an
5 individual who has had a sexual relationship with a certain respondent and an
6 individual involved in a certain intimate relationship with a certain respondent;
7 establishing that a final protective order may order the respondent to vacate the
8 home immediately and award temporary use and possession of the home to the
9 person eligible for relief or, in certain instances, to an adult living in the home,
10 if the person eligible for relief and the respondent intended to share the home
11 together on a nontemporary basis; and generally relating to domestic violence.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–501(m) and 4–506(d)
15 Annotated Code of Maryland
16 (2012 Replacement Volume)

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

19 **Article – Family Law**

20 4–501.

21 (m) “Person eligible for relief” includes:

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

23 (2) a cohabitant of the respondent;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (5) a vulnerable adult; [or]

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

7 **(7) AN INDIVIDUAL WHO HAS HAD A CONSENSUAL OR**
8 **NONCONSENSUAL SEXUAL RELATIONSHIP WITH THE RESPONDENT; OR**

9 **(8) AN INDIVIDUAL WHO IS OR HAS BEEN IN A RELATIONSHIP**
10 **WITH THE RESPONDENT THAT:**

11 **(I) GOES BEYOND A CASUAL ACQUAINTANCE OR ORDINARY**
12 **FRATERNIZATION IN A BUSINESS OR SOCIAL CONTEXT; AND**

13 **(II) IS AN INTIMATE RELATIONSHIP BASED ON:**

14 **1. THE NATURE OR TYPE OF RELATIONSHIP**
15 **BETWEEN THE INDIVIDUAL AND THE RESPONDENT, REGARDLESS OF WHETHER**
16 **THE RELATIONSHIP IS OR WAS SEXUAL IN NATURE;**

17 **2. THE FREQUENCY OF INTERACTION BETWEEN THE**
18 **INDIVIDUAL AND THE RESPONDENT; AND**

19 **3. THE DURATION OF THE RELATIONSHIP BETWEEN**
20 **THE INDIVIDUAL AND THE RESPONDENT.**

21 4-506.

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

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

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

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

1 (4) where the person eligible for relief and the respondent are residing
2 together at the time of the abuse, order the respondent to vacate the home
3 immediately and award temporary use and possession of the home to the person
4 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
5 vulnerable adult, award temporary use and possession of the home to an adult living
6 in the home, provided that the court may not grant an order to vacate and award
7 temporary use and possession of the home to a nonspouse person eligible for relief
8 unless:

9 (I) the name of the person eligible for relief appears on the lease
10 or deed to the home [or];

11 (II) the person eligible for relief has shared the home with the
12 respondent for a period of at least 90 days within 1 year before the filing of the
13 petition; **OR**

14 **(III) THE PERSON ELIGIBLE FOR RELIEF AND THE**
15 **RESPONDENT INTENDED TO SHARE A HOME TOGETHER ON A NONTEMPORARY**
16 **BASIS;**

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) award temporary custody of a minor child of the respondent and a
24 person eligible for relief;

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

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

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

5 (11) direct the respondent or any or all of the persons eligible for relief
6 to participate in professionally supervised counseling or a domestic violence program;

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2013.