

# SENATE BILL 477

D4

(5lr2253)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Ramirez, Benson, Hough, Lee, and Raskin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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)

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



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

3 **Article – Family Law**

4 4–501.

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

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

7 (2) a cohabitant of the respondent;

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

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

12 (5) a vulnerable adult; [or]

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

14 (7) AN INDIVIDUAL WHO HAS HAD A ~~CONSENSUAL OR~~  
15 ~~NONCONSENSUAL~~ SEXUAL RELATIONSHIP WITH THE RESPONDENT WITHIN 1 YEAR  
16 BEFORE THE FILING OF THE PETITION.

17 4–506.

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

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

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

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

25 (4) where the person eligible for relief and the respondent are residing  
26 together at the time of the abuse, order the respondent to vacate the home immediately and  
27 award temporary use and possession of the home to the person eligible for relief or, in the  
28 case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use  
29 and possession of the home to an adult living in the home, provided that the court may not

1 grant an order to vacate and award temporary use and possession of the home to a nonspouse  
2 person eligible for relief unless the name of the person eligible for relief appears on the lease  
3 or deed to the home or the person eligible for relief has shared the home with the respondent  
4 for a period of at least 90 days within 1 year before the filing of the petition;

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

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

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

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

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

23 (10) award temporary use and possession of a vehicle jointly owned by the  
24 respondent and a person eligible for relief to the person eligible for relief if necessary for the  
25 employment of the person eligible for relief or for the care of a minor child of the respondent  
26 or a person eligible for relief;

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.