

**Department of Legislative Services**  
 Maryland General Assembly  
 2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 595 (Senator Lee, *et al.*)  
 Judicial Proceedings

**Family Law – Protective Order – Rescission**

This bill authorizes a judge to deny a petition to rescind a protective order without a hearing if an affected person eligible for relief objects to the rescission. The bill also requires a petition for rescission to describe with particularity the basis for the rescission.

**Fiscal Summary**

**State Effect:** General fund expenditures for the Judiciary increase by \$44,400 in FY 2021 only for programming changes. Otherwise, the bill does not materially affect the workload or finances of the Judiciary.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	44,400	0	0	0	0
Net Effect	(\$44,400)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill does not materially affect the workload of the circuit courts.

**Small Business Effect:** None.

**Analysis**

**Current Law:** Statutory provisions set forth a process by which an individual who meets specified relationship requirements may seek relief from abuse by filing a petition for a protective order. If a judge finds by a preponderance of the evidence that abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

Among other relief, a final protective order may order the respondent to (1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members; or (5) remain away from a child care provider of a person eligible for relief while the child is in the provider's care. A final protective order may also address issues relating to custody and visitation, use and possession of a home or vehicle, emergency family maintenance, counseling, payment of costs, and temporary possession of a pet. A final protective order must require the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the protective order.

All relief granted in a final protective order is effective for the period stated in the order, generally up to a maximum of 12 months. A final protective order may be issued for up to two years in specified circumstances set forth in statute. In limited circumstances specified by statute, the court may issue a permanent protective order that requires the respondent to refrain from abusing or threatening to abuse the person eligible for relief or refrain from contacting, attempting to contact, or harassing the person eligible for relief. A subsequent circuit court order pertaining to any of the provisions in the final protective order supersedes those provisions in the final protective order.

A protective order may be modified or rescinded during the term of the protective order after giving notice to all affected persons eligible for relief and the respondent and a hearing.

**Background:** In fiscal 2019, there were 623 protective orders rescinded in the District Court. The number of protective orders rescinded in the circuit courts is not readily available.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2020  
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