

# HOUSE BILL 887

D4

2lr2742

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By: **Delegate Bartlett**

Introduced and read first time: February 7, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Protective Orders – Status Hearings**

3 FOR the purpose of authorizing a person eligible for relief under a final protective order to  
4 file a motion for a status review hearing; requiring a court to promptly schedule a  
5 status review hearing after providing notice to the respondent; and generally  
6 relating to domestic violence.

7 BY repealing and reenacting, with amendments,  
8 Article – Family Law  
9 Section 4–507  
10 Annotated Code of Maryland  
11 (2019 Replacement Volume and 2021 Supplement)

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

14 **Article – Family Law**

15 4–507.

16 (a) (1) A protective order may be modified or rescinded during the term of the  
17 protective order after:

18 (i) giving notice to all affected persons eligible for relief and the  
19 respondent; and

20 (ii) a hearing.

21 (2) For good cause shown, a judge may extend the term of the protective  
22 order for 6 months beyond the period specified in § 4–506(j) of this subtitle, after:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) giving notice to all affected persons eligible for relief and the  
2 respondent; and

3 (ii) a hearing.

4 (3) (i) Subject to subparagraph (ii) of this paragraph, a judge may  
5 extend the term of a protective order for a period not to exceed 2 years from the date the  
6 extension is granted if:

7 1. during the term of the protective order, the judge finds by  
8 a preponderance of the evidence that the respondent named in the protective order has  
9 committed a subsequent act of abuse against a person eligible for relief named in the  
10 protective order; or

11 2. the respondent named in the protective order consents to  
12 the extension of the protective order.

13 (ii) The judge may extend the term of the protective order under  
14 subparagraph (i) of this paragraph after:

15 1. giving notice to all affected persons eligible for relief and  
16 the respondent; and

17 2. a hearing.

18 (iii) In determining the period of extension of a protective order under  
19 subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

20 1. the nature and severity of the subsequent act of abuse;

21 2. the history and severity of abuse in the relationship  
22 between the respondent and any person eligible for relief named in the protective order;

23 3. the pendency and type of criminal charges against the  
24 respondent; and

25 4. the nature and extent of the injury or risk of injury caused  
26 by the respondent.

27 (4) (i) If, during the term of a final protective order, a petitioner or  
28 person eligible for relief files a motion to extend the term of the order under paragraph (2)  
29 or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after  
30 the motion is filed.

31 (ii) If the hearing on the motion is not held before the original  
32 expiration date of the final protective order, the order shall be automatically extended and  
33 the terms of the order shall remain in full force and effect until the hearing on the motion.

1           **(B) (1) AT ANY POINT DURING THE TERM OF A FINAL PROTECTIVE**  
2 **ORDER, THE PERSON ELIGIBLE FOR RELIEF UNDER THE ORDER MAY FILE A MOTION**  
3 **TO REQUEST A STATUS REVIEW HEARING.**

4           **(2) THE COURT SHALL PROMPTLY SCHEDULE THE STATUS REVIEW**  
5 **HEARING AFTER PROVIDING NOTICE TO THE RESPONDENT.**

6           **(3) THE PURPOSE OF THE STATUS REVIEW HEARING IS TO REVIEW**  
7 **THE ORDER AND DETERMINE IF FURTHER INTERVENTION BY THE COURT IN**  
8 **ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE IS NECESSARY TO PROTECT**  
9 **THE PERSON ELIGIBLE FOR RELIEF.**

10           **[b] (C) (1)** If a District Court judge grants or denies relief under a petition  
11 filed under this subtitle, a respondent, any person eligible for relief, or a petitioner may  
12 appeal to the circuit court for the county where the District Court is located.

13           (2) An appeal taken under this subsection to the circuit court shall be heard  
14 de novo in the circuit court.

15           (3) If an appeal is filed under this subsection, the District Court judgment  
16 shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit  
17 court orders otherwise, modification or enforcement of the District Court order shall be by  
18 the District Court.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2022.