



House of Ruth Maryland

Domestic Violence Legal Clinic

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Bill No.: House Bill 745
Bill Title: Family Law – Protective Orders – Crimes of Violence and Stalking
Committee: Judicial Proceedings
Hearing Date: April 2, 2024
Position: **OPPOSE**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 745 would add victims of non-intimate partner stalking to the list of persons eligible for relief under the protective order statute. **We urge the Senate Judicial Proceedings Committee to report unfavorably on House Bill 745.**

Maryland law provides for two types of orders to protect individuals from violence and various forms of threats and intimidation: protective orders and peace orders. Protective orders are available to individuals with some form of an intimate or familial relationship with their assailant. Peace orders are available for anyone who does not fall within this definition.

Protective orders are an extraordinary remedy, allowing for the court to vacate an abuser from their home, grant custody of children, and remove an abuser’s firearms, among other things. The protective order originally was enacted to protect only those victims who were married to their assailants and has been expanded over the years to include victims in other types of intimate and familial relationships, recognizing not only the intertwined nature of these relationships but also the very serious risk of danger to victims of intimate partner violence when they attempt to flee their abusive partners. While victims of stranger stalking deserve to be protected, this goal is best accomplished by enhancing the protections available in the peace order statute. Moving victims of stranger stalking under the umbrella of the protective order statute, as House Bill 745 would do, only serves to cause confusion and diminish the efficacy of the protective order statute to the detriment of those who need it most.

Under current law, it is very clear for which type of order a petitioner must apply based on the type of relationship they have with the respondent. This distinction is critical for petitioners, almost all of whom complete petitions and appear for interim or temporary protective order hearings without representation. House Bill 745 would erode this distinction and cause confusion for litigants and the courts. When a petitioner unknowingly applies for the wrong type of order, this error is not usually uncovered until

the final protective order hearing, at which point the court must dismiss the case and the petitioner must start the process over again. This causes some victims to feel that the court does not believe them and they end up abandoning the process. Those who persist have to re-file their paperwork, wait for law enforcement to re-serve the respondent, and return to court yet again. This causes an undue burden on victims, especially those who have limited income and cannot afford to miss work or arrange childcare to attend multiple court dates.

House Bill 745, if passed, would lead to other unintended consequences. Victims of dating violence who have not engaged in sexual activity with their dating partner currently fall under the peace order statute. If passed, House Bill 745 would elevate the protections for victims of stranger stalking over those of victims of dating violence, whose relationships with their abusive partners are often as intertwined as victims who are married to or have children with their abusers. In addition, it would cause great confusion and inconsistency for victims who have been subjected both to stalking and harassment. Because there is frequently little to no extrinsic evidence of stalking and harassment other than the victim's testimony, petitioners often file based on all of the forms of abuse to which they have been subjected and hope that their testimony of at least one of the abusive acts will meet the burden of proof. House Bill 745 would lead to victims of both stalking and harassment having to make a choice whether to file under the protective order statute or the peace order statute, as harassment is exclusive to the peace order.

The House of Ruth urges the Senate Judicial Proceedings Committee to issue an unfavorable report on House Bill 745.