



MAINE COMMISSION ON DOMESTIC AND SEXUAL ABUSE

**Testimony of Lucia Chomeau Hunt
Speaking in Support of LD 809**

**An Act to Allow a Motion to Extend a Protection from Abuse Order After Expiration of the
Original Order**

Date of Public Hearing: March 10, 2025

Senator Carney, Representative Kuhn, and members of the Committee on Judiciary:

My name is Lucia Hunt. I am a member of the Maine Commission on Domestic and Sexual Abuse ("the Commission") and I am here today speaking on behalf of the Commission in support of LD 809, An Act to Allow a Motion to Extend a Protection from Abuse Order After Expiration of the Original Order.

The Commission is comprised of law enforcement, attorneys, advocates, survivors, tribal members, representatives of underserved communities, a judicial advisory member, and representatives from within state government.¹ The Commission is tasked with advising and assisting the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse.²

This bill has been carefully considered by the Abuse Commission, on the recommendation of an action committee of the Commission in response to a request from the Family Law Advisory Commission (FLAC) to consider several post-judgment proceedings in Protection From Abuse cases. In fact, the Family Rules Advisory Committee, (FRAC) identified extension of Protection from Abuse orders as one issue that would benefit from legislative clarification when re-writing the civil rules of procedure that apply to family law cases, and asked FLAC to consider this issue. I serve as a member of FRAC, as well as the Abuse Commission, and appreciate this Committee's attention to this narrow but important issue.

This bill addresses two narrow circumstances for survivors seeking to extend Orders of Protection:

- 1. Survivors who cannot locate the Defendant**
- 2. Survivors who file within a reasonable amount of time given the circumstances**

¹ 19-A M.R.S. § 4115 (1)

² 19-A M.R.S. § 4115 (3)

Process An initial order of protection can be entered for up to two years. Often, this is enough time for the underlying reasons for the order to no longer be an issue. However, in some cases, the abuse was severe, or the conduct by the Defendant is ongoing. In those cases, the plaintiff can request that the court extend the final order for additional time. The statute provides that an order can be extended “at the time of expiration, upon motion of the plaintiff, for such additional time as the court determines necessary to protect the plaintiff or minor child from abuse or conduct specified in section 4103”³

Defendant cannot be located

Practitioners identify a small category of cases in which the Defendant cannot be located in order to be served with a Motion to Extend, but there has been no further abuse of the Plaintiff while the order has been in place. This puts Plaintiffs in the position of continuing to return to court every few weeks, even if they do not have any new information about service, to request that their order be continued. Alternatively, if they allow their order to expire, they will not be able to seek a new order unless they are subjected to further abuse. Their claims from the original protection order- no matter the severity of abuse, sexual assault, or stalking- will not be grounds for a new order. This bill would allow plaintiffs in that situation to request an extension of the previous order once they were able to serve Defendant. This bill would decrease the burden on the courts in cases where service of a motion to extend is challenging, and assure Plaintiffs who wish to extend that they will be able to do so, once service of the motion is feasible.

Filing after expiration of the order

The other narrow category of cases that this bill addresses are those in which the Plaintiff has not filed a motion to extend before the expiration of the order. Sometimes, this is a simple oversight, or a misunderstanding. I had a client who had a final order of protection, and the Defendant was incarcerated at the same time her final order was in place because of the severity of abuse against her. When she was contacted about his release from incarceration, she realized that her protection order had expired. She filed for a new order- but did not qualify because nothing new had happened. The court treated her request as a Motion to Extend and set it for hearing. At the final hearing, the judge considered her request and granted an extension of the order- but not all judges interpret the current language in the same way. Some judges strictly construe the language to mean that if a Motion to Extend is not filed before the expiration of the order, the Plaintiff may not extend the order at all, even if the motion is filed the next day.

This bill would clarify the narrow circumstances in which orders can be extended after expiration

Plaintiffs who cannot serve a Motion to Extend and those whose requests are reasonable under the relevant circumstances to file after expiration of an order should be afforded continued protection.

Amendment The proposed amendment adds necessary process to the bill language, increasing protection for victims.

³ 19-A M.R.S. § 4111(1)