



The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
In SUPPORT of LD 809: “An Act to Allow a Motion to Extend a Protection from Abuse Order
After Expiration of the Original Order”
Before the Joint Standing Committee on Judiciary
Monday, March 10, 2025**

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in support of LD 809, An Act to Allow a Motion to Extend a Protection from Abuse Order After Expiration of the Original Order. This bill will only impact a small number of cases, but for those cases, it is vital.

When someone gets a final protection from abuse order, any abuse or violence committed against them before the order is issued is considered to have been “used” to justify that order. If that order then expires, even if the person still has legitimate safety concerns, given the history and context that served as the basis for the original order, they cannot get a new order that is based in any part on anything that happened before the issuance of that first PFA order. For most cases, this is ok. Usually, when an order expires without a motion to extend having been filed, it is because the plaintiff no longer feels the need for it to be in place – hopefully the safety concerns that led them to seek an order in the first place have ebbed. However, there have been cases where a victim needed to still have their protection order in place, after the expiration of the initial final order, and when a court determined it was not able to revive the expired order, unjust and unsafe outcomes resulted. This bill would address that by clarifying that the courts have an ability to revive an expired order in two very specific types of circumstances: (1) where a plaintiff has good cause to have not filed a motion to extend the original order before that original order expired; and (2) where a plaintiff did file a motion to extend before the original order expired, but allowed that motion to be dismissed when the defendant could not be served with the motion as required.

¹ MCEDV serves and represents a membership of eight regional domestic violence resource centers as well as two culturally specific service providers. Our member programs provided services to more than 12,000 victims of domestic abuse and violence and their children in Maine last year.

Consider a few examples of why this clarity is needed:

- A 15 year old was sexually assaulted by an extended family member over a period of years when he visited her family from another state. Her mother obtained a PFA on her behalf prohibiting contact. This order was in place for two years, and her mother timely filed a motion to extend. Where the defendant lived in another state, service was dependent on action in that other state, which failed to accomplish service. The case was continued three times, with the family coming back to court approximately every three weeks, not knowing if this person was served, not knowing if he would be there, and not knowing what the court would do. Eventually, the judge suggested that the matter be dismissed. If the defendant lived in another state, was unable to be served, and hadn't had contact in two years, was there really that much at stake in letting it go? The family agreed. Two months later, the defendant showed up in Maine, now living with another relative five minutes away from where the victim would be living on her own while attending college. The parties hadn't had any contact since before the first order was issued. There has been no new conduct that would make her eligible for a new order, so she had no ability to seek a protective court order.
- A young child was murdered by their father. A civil protection order was issued for the mother and her remaining child, who both had been subject to abuse by this man. After the man was sentenced to more than 30 years in prison, the family, deeply fatigued of court processes, let the PFA expire. Fast forward two decades. This family received a notice from the Department of Corrections containing an estimated release date. With good time, the person who murdered their brother and son was due to be released from custody. The memories of that dark time come crashing back, and they reach out for legal advice, wanting to go back to court to get a civil protection from abuse order that would ensure he stayed away from them. But their original order expired, and there's been no contact.
- A woman who had been abused for years – emotionally, financially, physically, sexually – obtained an initial two-year protection order for herself and her children to support their safety during the separation. She went through the family court process and got an order for sole parental rights, with the children's father allowed supervised visitation only if he completed certain assessments and treatments, which he never did. With both court orders in place, and shouldering all that is involved with being a single parent of two traumatized children while still healing herself, she wrote the expiration date of her protection order in the wrong month on her calendar. She realized two days after the order expired that she missed the date to file her motion to extend. She realized this because he called her phone for the first time in more than two years.

The purpose of protection from abuse orders is not only constrain the conduct of the person who has caused harm, but also to address the needs of victims to feel safe and secure. With knowledge that contact is prohibited, that violations can be addressed with a call to law



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enforcement, comes space to heal, and a sort of peace of mind to live your life in a lesser state of angst and anxiety.

The process outlined here would still direct the court to evaluate whether, given the individual circumstances, it is still reasonably necessary to maintain an order, using all of the existing statutory factors. What this amendment will do is ensure that there isn't a process barrier in place that precludes the court from ensuring a protection from abuse order is in place when it is, in fact, still reasonably necessary.

Some courts currently interpret the existing statute to allow for this to happen now. A court found good cause to let the motion to extend move forward when the plaintiff did not timely file a motion to extend because her daughter was unexpectedly in the hospital. In another case, a court found good cause where the plaintiff was unable to file timely because she couldn't reschedule a cancelled flight for several days. However, many courts read the statute to prohibit moving forward with a motion to extend if it is filed after the expiration of the order. When the statute is interpreted differently by different judicial officers, particularly in this type of case, where so many litigants navigate the process without an attorney, there is a need for clarification. It should be clarified to adopt the practice that most aligns with the purposes of the protection from abuse statute.

MCEDV suggests one small amendment to the bill: to allow the court to issue temporary relief when the motion to extend is filed, much like what happens when an initial complaint is filed. Such an amendment would allow protection to be in place for the plaintiff during the time between when a defendant is served with the motion and notice of hearing and when the hearing on that motion is scheduled. Like with ex parte temporary orders, the defendant would not be subject to arrest for violation unless and until served with the motion and notice of the temporary order.

Contact Information:

Andrea Mancuso, Public Policy Director
Maine Coalition to End Domestic Violence (MCEDV)
Ph: (207) 650-4356, Email: andrea@mcedv.org