



**Testimony of Jade Richards, Esq.  
Pine Tree Legal Assistance, Inc.**

**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 Joint Standing Committee on Judiciary,

My name is Jade Richards. I am a staff attorney in the Family Law and Victim Rights Unit at Pine Tree Legal Assistance, Inc., and I am speaking to you today in support of LD 809, An Act to Allow a Motion to Extend a Protection from Abuse Order After Expiration of the Original Order.

I have been asked to share the perspective of Pine Tree Legal Assistance on these issues, and I am speaking today on behalf of Pine Tree Legal Assistance (Pine Tree). Pine Tree is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967, Pine Tree has provided free legal services to low-income people throughout the State of Maine.

Attorneys in Pine Tree's statewide Family Law and Victim Rights unit represent survivors of domestic violence, sexual assault, and stalking. In 2024, we represented survivors in 1,326 cases, primarily Protection from Abuse, family matters, and other civil legal cases related to the violence they have experienced.

LD 809 is important because it creates a process that allows individuals in certain circumstances to file a motion to extend their protection order after the original order has expired. Under the current statute, "the court may extend a final protection order issued under this chapter 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." Frequently, in two specific scenarios, Pine Tree attorneys see cases in which the plaintiff failed to file a timely motion to extend, but for good cause, and cases in which the plaintiff files a timely motion to extend, but, because the court is unable to locate the defendant for service, plaintiff's motion is dismissed, leaving the plaintiff without any other recourse.

For example, a client obtained a Protection Order after the Defendant strangled her until she lost consciousness, hit her while she was pregnant, and assaulted her in front of the parties' young daughter. Their daughter was also present when the Defendant skinned, dismembered, and buried the family dog. The Defendant prevented the Plaintiff from leaving, cutting her ID into pieces and holding her in the house at gunpoint. He also shot a revolver at the interior wall of the house while intoxicated. The Defendant stalked, harassed, and disseminated private images of the Plaintiff on the internet and to her family and coworkers. Before the expiration of the underlying Protection Order, Plaintiff mailed her Motion to Extend to the court. However, Plaintiff's Motion to Extend never arrived; it was returned for insufficient postage. Panicked, the Plaintiff filed a new Complaint for Protection from Abuse. At the final hearing on Plaintiff's new Complaint, the parties negotiated through counsel and agreed that they would extend Plaintiff's Protection Order for one year. The court denied Plaintiff's Motion to Extend without scheduling the matter for hearing because "the underlying order has expired and cannot be extended."

In a number of other PTLA cases, clients have filed timely motions to extend their protection orders. However, despite best efforts by the plaintiff and the court, the defendant cannot be located for service. Each month, or in some cases, every couple of weeks, the plaintiff is required to attend court, for the Judge to say that the defendant still had not been served and that the case must be continued. This goes on for several months requiring the plaintiff to miss work or to obtain childcare to go into court to be told the same thing by the Judge. Eventually, the Judge dismisses Plaintiff's motion, or encourages the Plaintiff to dismiss their own motion, as the defendant cannot be located for service, and the Judge does not see a point in keeping the case on the docket month after month with no progress. This leaves the plaintiff completely unprotected.

It's important to note that when a plaintiff files a timely motion to extend, their protection order stays in place until the defendant is served and a hearing on that motion to extend is held. While the case is in the court system, the plaintiff is protected. However, upon the Judge dismissing that motion to extend, the Plaintiff is no longer safe, nor is the plaintiff entitled to seek the court's assistance for future protection unless the defendant commits new abuse. This leaves the plaintiff incredibly vulnerable. In fact, some plaintiffs have expressed fear that the defendant is purposefully evading service and will reach out to the plaintiff once the protection order is no longer in place.

This bill addresses the narrow category of cases in which a Plaintiff files a post judgment motion to extend. If a Plaintiff files an original Complaint for Protection from Abuse and the Defendant cannot be located for service, the Plaintiff has the choice of dismissing the Complaint. He or she can then re-file that Complaint once they are aware of Defendant's location. This differs from a post judgment motion to extend. If the Plaintiff's motion to extend is dismissed, he or she cannot seek the court's assistance again unless the defendant commits new abuse to the plaintiff. This leaves individuals incredibly vulnerable and in a position of having to wait for the

defendant to commit another violent act before obtaining protection. The plaintiff in these cases is prohibited from obtaining a new protection order based on prior abuse as the prior abuse is already considered to have been litigated.

Further, although there are steps an attorney can take to try to remedy this issue of plaintiffs missing multiple days of work or having to find repeated childcare for these court proceedings by requesting that the plaintiff appear remotely or by filing a motion to continue court proceedings when the plaintiff knows the defendant has not been served, pro se litigants may not have the same ability to do so. Additionally, service by alternate means is not always feasible, especially if the plaintiff doesn't know the defendant's current email or phone number to support such a motion.

This bill will protect plaintiffs who failed to file a motion to extend prior to their protection order expiring but did in fact file in a reasonable amount of time under the circumstances. The bill will also protect plaintiffs who had to make the difficult decision to seek a dismissal of their motion to extend due to lack of service because it left them without a clear path to being able to re-file if the defendant's whereabouts became known to them in the future. The underlying abuse may have been extremely significant, but once the motion to extend is no longer pending and the order expires, there would have to be new qualifying conduct (abuse, stalking, sexual assault) to be able to seek another order.

Thank you to Representative Kuhn and this committee. Clarifying the circumstances in which a motion to extend a Protection Order after expiration of the original Protection Order in the Protection from Abuse statute will ensure that Mainers continue to receive the protection that they need. I urge you to pass LD 809 and am happy to answer any questions.