

Peace Order or Protective Order . . . which one?

Peace and Protective Orders are civil orders issued by a judge that order one person to refrain from committing certain acts against others. The relationship between the respondent (person alleged to have committed the prohibited act) and the petitioner (person seeking protection) determines the Petition to be filed. Protective Orders generally apply to people in domestic relationships. Peace Orders apply to other persons. You cannot qualify for both. Please review carefully the following checklists to determine the correct Petition to file:

If you are filing the petition for yourself, do any of these apply to you?

- I am the current or former spouse of the respondent.
- I have had a sexual relationship with the respondent and have resided with the respondent in the home for a period of at least 90 days within the last year.
- I am related to the respondent by blood, marriage, or adoption.
- I am the parent, stepparent, child, or stepchild of the respondent or person eligible for relief, and I have resided with the respondent for 90 days during the past year.
- I have a child in common with the respondent.
- I have had a sexual relationship with the respondent within one (1) year before the filing of the Petition.

If you checked any of the boxes above, you would file for a **Protective Order**. If you did not, you would file for a **Peace Order**.

If you are filing the petition for a minor child, you may be eligible for a Protective Order if any of the following apply to the minor child:

- The minor child is the current or former spouse of the respondent.
- The minor child has had a sexual relationship with the respondent and has resided with the respondent in the home for a period of at least 90 days within the last year.
- The minor child is related to the respondent by blood, marriage, or adoption.
- The minor child is the stepparent, child, or stepchild of the respondent or person eligible for relief, and has resided with the respondent for 90 days during the past year.
- The minor child has a child in common with the respondent.
- The minor child has had a sexual relationship with the respondent within one (1) year before the filing of the Petition.

If you checked any of the boxes above, you would file for a **Protective Order**.

Note: To be eligible to file a Petition for Protective Order on behalf of a minor child or vulnerable adult (an adult who lacks the physical or mental capacity to provide for his or her daily needs), you must either (1) be related to the minor child or vulnerable adult by blood, marriage, or adoption, or (2) reside in the same home with the minor child or vulnerable adult.

What do you have to prove?

Once you determine the type of order for which you may qualify, you then must prove that one of the following acts occurred. Acts marked with an asterisk (*) are covered only by peace orders and not by protective orders.

- | | |
|--|---|
| <input type="checkbox"/> an act that caused serious bodily harm | <input type="checkbox"/> criminal harassment * |
| <input type="checkbox"/> an act that placed the petitioner in fear of imminent bodily harm | <input type="checkbox"/> criminal trespassing * |
| <input type="checkbox"/> assault in any degree | <input type="checkbox"/> malicious destruction of property * |
| <input type="checkbox"/> rape or sexual offense | <input type="checkbox"/> misuse of telephone facilities and equipment * |
| <input type="checkbox"/> attempted rape or sexual offense | <input type="checkbox"/> misuse of electronic communication or interactive computer service * |
| <input type="checkbox"/> false imprisonment | <input type="checkbox"/> revenge porn * |
| <input type="checkbox"/> criminal stalking | <input type="checkbox"/> visual surveillance * |

Can Court Records for Protective Order or Peace Order be Shield from Public View?

The petitioner or the respondent may file a written request to shield (to remove from public inspection) the court records relating to a Protective Order or a Peace Order if: (1) the Petition for a Protective Order or the Petition for a Peace Order is denied or dismissed at the interim, temporary, or final hearing; or (2) the respondent has consented to the entry of a Protective Order or a Peace Order. A request for shielding may not be filed earlier than three (3) years after the denial or dismissal of the Petition or after the consent expires unless the requesting party files a General Waiver and Release form, CC-DC-077, which is a release of all the requesting party's claims for damages relating to this proceeding and any tort claims that may arise out of this proceeding. The court will schedule a hearing on the request to shield, after which a judge will rule on the request.

Other Resources

24-Hour
Domestic Violence Hotline
1-888-880-7884

National
Domestic Violence Hotline
1-800-799-SAFE

Maryland Network
Against Domestic Violence
1-301-429-3601
1-800-MD-HELPS

Legal Assistance

Free legal assistance may be available for victims of domestic violence through various agencies. To request legal assistance and representation, ask the clerk for information on local service providers or contact the House of Ruth at 1-888-880-7884.

For more information on Maryland courts and their procedures, please contact a clerk in any State or county courthouse.

For more information about the Maryland Judiciary, visit the website:

www.mdcourts.gov

*It is the mission of the
Maryland Judiciary to provide equal and exact
justice for all who are involved in
litigation before the court.*

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Peace and Protective Orders

assault
fear of harm
sexual assault
child abuse
stalking
attempted rape
domestic violence

How to File
for a Peace or
Protective Order

harassment
bodily harm
trespassing
spousal abuse
destruction of
property

How to apply for an Order

Step 1: Complete the correct petition

The petitions (forms) for protective orders can be obtained from any circuit or District Court clerk or District Court commissioner. Petitions for peace orders must be obtained from a District Court clerk or commissioner. All forms are available at: www.mdcourts.gov/courtforms.

Step 2: File the petition

During normal business hours, file the petition with a circuit or District Court clerk (District Court for peace orders), against a person 18 years or older. Once the petition is filed, you will be directed into a courtroom as soon as a judge is available to hear your case.

Step 3: Appear for a temporary hearing

When you appear before a judge, you will be required to answer questions under oath. If the judge finds reasonable grounds to believe that the respondent committed the acts alleged in the petition, (and in the case of a peace order, is likely to do so again) a temporary order is granted. The order goes into effect once a law enforcement officer serves the respondent and generally lasts for seven days unless extended by a judge.

Step 4: Appear for a final hearing

A final hearing is usually scheduled within seven days after the order is served. At the hearing, both parties may present evidence. However, if the respondent does not attend, the judge may still grant a final order if at the trial the judge finds a preponderance of the evidence that the respondent committed the alleged act against the petitioner, as defined under the law, (and in the case of a peace order, is likely to do so again). Instead of a trial, the respondent may consent to the entry of a final order.

A Final Protective Order may be granted for as long as one (1) year. The Court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.

A Final Protective Order may be granted for as long as two (2) years if:

- the same person eligible for relief previously obtained a Final Protective Order against the same respondent AND
- the prior Order lasted for at least six (6) months AND
- within one (1) year of the expiration of the Order,
 - the respondent commits an act of abuse against the person eligible for relief OR
 - the respondent consents to the Order.

If certain facts are present, the Court shall issue a permanent Final Protective Order if requested by the person eligible for relief in the original protective order against an individual who was a respondent in a previously issued Final Protective Order and that Respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years for specified violations of the Criminal Law Article for the act of abuse that led to the issuance of the Final Protective Order or for conspiracy or solicitation to commit murder and the respondent has served at least 12 months of the sentence.

A peace order may last up to six (6) months and can be extended for an additional six (6) months for good cause, after notice to parties and hearing.

Step 2a: Interim Order

When courts are closed, District Court commissioners may issue Interim Peace and Protective Orders to last until a judge holds a temporary hearing.

An interim order goes into effect once the respondent is served by a law enforcement officer.

What will the Order do?

Peace and protective orders are intended to provide protection for the petitioner and other individuals named in the order. The respondent may be ordered to:

- stop threatening or committing abuse
- stay away from the petitioner's home, place of employment or school
- have no contact with the petitioner or others

A protective order may also:

- award temporary use and possession of the home to the petitioner
- award temporary custody of children to the petitioner
- award temporary financial support
- require the respondent to surrender all firearms and refrain from possession of firearms for the duration of the Order. (State law requires the respondent to surrender all firearms to a law enforcement agency if a Final Protective Order is issued.)
- award temporary possession of any pet of person eligible for relief or respondent
- order any other relief that the judge determines is necessary to protect a person eligible for relief from abuse (applies to a Final Protective Order, only)

Frequently asked questions

Where do I file?

A petition for a peace order may be filed in District Court, against a person 18 years or older. For information on filing a petition against a person younger than 18, contact the Maryland Department of Juvenile Services (DJS). A petition for a protective order may be filed in District Court or in a circuit court. If the clerk's office is open, you must file with the clerk. If the clerk's office is closed, file with a District Court commissioner. To locate a court, visit the Judiciary website at www.mdcourts.gov or look under the government pages of your phone book.

Is there a deadline for filing?

A petition for a peace order must be filed within 30 days of the act described within the petition. There is no specified time frame for filing a protective order.

Can criminal charges also be filed?

Peace and protective orders are civil orders, and are not criminal charges. If you wish to file for criminal charges, see a District Court commissioner or a state's attorney.

What happens if an order is violated?

Violation of an order may result in a finding of contempt, mandatory arrest, criminal prosecution, imprisonment, or fine.

Do I need a lawyer?

An attorney may be helpful in advising you about your case and representing you in court. However, you are not required to have an attorney.

What happens if the court closes unexpectedly on the day your order expires?

- For Interim Protective or Peace Orders - the order is in effect until the next day the court is open.
- For Temporary Protective or Peace Orders - the order is in effect until the second day the court is open.