

STRATEGIES FOR A SAFER FUTURE

A GUIDE TO OBTAINING PROTECTIVE
& PEACE ORDERS IN MARYLAND



**Maryland Network
Against Domestic Violence**

1-800-md helps • mnadv.org

24 Hour Domestic Violence Programs in Maryland

These hotlines are linked to programs that provide services including the following: counseling, shelter, safety planning, information and resources, and sometimes legal assistance. Call for details on how to access these and other related services.

Allegany County

Hotline 301-759-9244

Anne Arundel County

Hotline 410-222-6800

Baltimore City

Hotline 410-889-7884

Baltimore County

Hotline 410-828-6390

Calvert County

Hotline 410-535-1121

Metro Hotline 301-855-1075

Carroll County

Hotline 410-857-0077

Caroline, Kent, Dorchester, Queen Anne's, & Talbot Counties

Hotline 1-800-927-4673

Cecil County

Hotline 410-996-0333

Charles County

Helpline 301-645-3336

Metro Hotline 301-843-1110

Frederick County

Hotline 301-662-8800

TTY 301-662-1565

Garrett County

Hotline 301-334-9000

Harford County

Hotline 410-836-8430

Howard County

Hotline 410-997-2272

Toll-Free 1-800-752-0191

Montgomery County

Hotline 240-777-4850

Prince George's County

Hotline 301-731-1203

St. Mary's County

Hotline 301-863-6661

Somerset, Wicomico & Worcester Counties

Hotline 410-749-4357

or 410-641-4357

Washington County

Hotline 301-739-8975

REFERRAL HELPLINE • MONDAY - FRIDAY • 9 a.m. - 5 p.m.

1-800-MD HELPS / 1-800-634-3577

or visit us online: mnavd.org

Ways To Increase Your Safety

- **Contact your local domestic violence program** (see page 1) to develop a plan for your safety and to find out about services, options, and resources.
- **Document all abuse aimed at you or your children** in a log, calendar, or journal and keep it safely hidden. Take photos of any injuries.
- **Seek shelter** with friends or relatives, or a domestic violence program (see page 1) if you are unsafe in your home.
- **Seek medical attention** and discuss the abuse with the doctor or nurse. Ask them to document it in your medical record.
- **Prepare an emergency getaway kit** for you and your children, even if you don't have immediate plans to leave. Keep it hidden in a safe place where you can get it in a hurry (such as your car, a friend or trusted neighbor's house, etc.). Include things such as:
 - Cash
 - Medications
 - Important phone numbers
 - Important papers (IDs, driver's license, birth certificates, social security cards, passports, health records, school records, green card, etc.)
 - Extra sets of keys for home, work, car, mailbox, etc.
 - Change of clothes and shoes
 - Pre-paid cellphone with minutes
 - Bank account and financial information
 - Documentation of abuse (log, journal, Protective or Peace Orders, etc.)
- **Get a Protective Order or a Peace Order.** These are court orders you can get with or without a lawyer, which restrict the abuser's behavior, and may grant certain rights to you, to make you safer.



When getting a Protective or Peace Order, there is a good chance that you will have to be near your abuser in court and publicly discuss the abuse. This can cause very strong feelings and memories to come up for you. See page 10 for tips on how to prepare for your physical and emotional safety at court hearings.

Are You Considering Making Changes To Your Relationship?

Assistance is Available | You Have Options

Making changes or taking a stand in your relationship can be difficult, especially if you're afraid of your partner. Moving out, breaking up, or taking legal action can be a **dangerous time** for you and your family. If you are being hurt by a spouse, partner, or family member, **assistance is available** to help you protect yourself and your children.

This brochure outlines several **safety planning options**, including detailed information about getting a Civil Protective Order or Peace Order (*sometimes called a "restraining order" or "ex parte"*) in Maryland.

Whether or not you believe that filing for a Protective or Peace Order is the best decision for you, please call your **local domestic violence program** (see page 1) to discuss other options and to create a safety plan.

Some people get **Protective and Peace Orders** because they want the abuse to stop immediately and they need the courts to help clarify issues about the house, children, and financial support.

While most survivors find peace or protective orders helpful, getting an order will not necessarily stop someone from coming near you or harming you, and in some situations may make them more angry and dangerous.

You may still need to go to a shelter or other safe place even if you have a Protective Order. BUT the Order gives police greater ability to respond if the Order is violated. Even if you do not get a Peace or Protective Order, you may have other legal cases (divorce, custody, or criminal) with your partner.

What Is ABUSE?

To be eligible for a **Peace or Protective Order**, you, as the victim or “petitioner,” must have been a victim of ABUSE as defined by Maryland law. This includes:

- An act that caused physical harm
- An act that placed you in fear of serious bodily harm
- Assault in any degree
- Completed or attempted rape or sexual assault
- Stalking
- False imprisonment – keeping you somewhere against your will

For a Peace Order, you are also eligible if you have experienced:

- Harassment
- Trespassing
- Malicious destruction of property

A Note on Time Limitations

- Under a **Peace Order**, the abusive act must have occurred within the past 30 days.
- Under the **Protective Order**, the abusive act can have occurred at ANY time in the past. However, it is recommended to file as soon as possible.

Domestic violence is a pattern of coercive behavior characterized by the domination and control of one person over the other, usually an intimate partner, through physical, psychological, emotional, verbal, sexual, and/or financial abuse. If you are being harmed, but what you are experiencing is not listed above, HELP IS STILL AVAILABLE. Please contact the Domestic Violence program nearest you. For a complete list, see page 1.

24 HOUR ACCESS IS AVAILABLE

Even when courts are closed, you can still get a Protective or Peace Order! On weekends, holidays, and at night, you can get an “Interim” Protective or Peace Order from your local District Court Commissioner. These remain in effect for a few days until the courts are open, when another hearing is scheduled to grant a “Temporary” Protective or Peace Order, which can last for one or more weeks. After that, a hearing for a “Final” Protective or Peace Order is scheduled, which lasts from six months to a year, and sometimes longer.

Which Order Should I Get?

You are eligible to file for a **Protective Order** if you are being “abused” (see definition on page 4) by:

- A current or former spouse
- Someone with whom you have a child
- Someone you have lived with as a sexual partner for at least 90 days out of the past year (“cohabitant”)
- A parent, stepparent, child, or stepchild you have lived with for at least 90 days within the past year
- Any person to whom you are related by blood, marriage, or adoption
- Effective October 1, 2015, an individual who has had a sexual relationship with the abuser within one year before the filing of the petition

If your relationship is **not** one of the above (Ex: someone you dated or are dating but with whom you don’t have a sexual relationship), you can file for a **Peace Order** instead.



When And Where Can I File?

- If courts are closed, you can file for an **Interim Peace or Protective Order** with a District Court Commissioner.
- If courts are open, you can file for a **Temporary Peace or Protective Order** at District Court and a hearing will be held before a judge on the same day.
- For **Temporary Protective Orders only**, you can also file at Circuit Court instead of District Court.

A Note on Cost/Fees

There is **NO FEE** for filing for a Protective or Peace Order. For Peace Orders, you must indicate that it is a “dating relationship” on the form, or there will be a filing fee.

What Protections Are Available?

For **BOTH** Interim and Temporary Protective **AND** Peace Orders, the judge can grant “stay away” or “no contact” orders that say your abuser **MUST**:

- stop abusing or threatening to abuse you
- stop contacting, attempting to contact, or harassing you
- stay away from your work, school, or residence

For Interim and Temporary Protective Orders, the judge can:

- order your abuser to move out of the home where you both live
- order your abuser to stay away from your child care provider
- grant you temporary custody of your children
- grant you temporary use and possession of the home, if you live together
- grant protections for your children, friends, family members, or pets who have been threatened or hurt by your abuser
- order the surrender of firearms to law enforcement

See next page for more protections

For Final Protective orders, you can request that the judge add provisions concerning:

- professional counseling
- financial support
- visitation arrangements
- temporary use and possession of a vehicle
- any other relief that the judge determines is necessary to protect you, i.e. obtaining important documents, providing health insurance, or staying away from a specific place

For Final Protective Orders, the judge MUST:

- order that the abuser surrender and refrain from possessing firearms for as long as the Order is in effect

For Peace Orders, the judge can order your abuser to:

- attend professional counseling
- pay filing fees and costs

When Does The Temporary Order Go Into Effect?

At the Temporary Protective or Peace Order Hearing, as long as the judge grants the order, the Order takes effect as soon as it is handed to, or “served” on, your abuser by a law enforcement officer. The Temporary Order will list the date for your Final Protective Order hearing in about seven days.

Before you return home or go to a place where your abuser might be, make sure the order has been served. You can find this out by contacting the law enforcement agency that serves the orders in your area.

You can also sign up for **VINE Protective Order (VPO)**, a service that will notify you by phone or email when the Protective Order is served (*Note: VPO does NOT include service information on Peace Orders*).



 [RegisterVPO.com](https://www.registervpo.com)

For more information on these options, call your local domestic violence program (see listing on page 1).

The Temporary Order is valid only until the Final Protective Order Hearing. If you want the Order to continue, it is very important that you attend the hearing for the Final Order.

What Is A Final Order?

Usually, within seven days after the Temporary Order is issued, the Final Protective or Peace Order hearing is held before a judge. **You must attend this hearing or the order will be dropped.** Your abuser will probably be at this hearing and may bring a lawyer. You may also bring a lawyer or legal advocate. Your local program may also help you find free legal help (see page 1).

Be sure to **bring any evidence** you have, such as witnesses, photographs, medical and police reports, objects used to injure, etc.

Your Final Peace or Protective Order will be granted by the judge if:

- your abuser consents (agrees) to the Order, OR
- the judge finds that abuse has occurred by “preponderance of evidence” (this means that the abuse most likely occurred).

How Long Do Final Orders Last?

Final Peace and Protective Orders take effect immediately. Protective Orders can last up to 12 months, or sometimes even longer under certain circumstances. Peace Orders can last up to six months.

Before your Peace or Protective Order expires, you can request an extension. Protective Orders can be extended for up to six months. In certain circumstances, it could last longer. Peace Orders can last up to an additional six months.

Once an Order is in effect, you can request changes to the types of relief that were originally ordered by asking for a "modification" of the Order. If you do not want or need the Order anymore, you can ask that it be "rescinded," which means that it is "dropped" (as in, it is no longer in effect).

What Happens If My Abuser Violates The Order?

- Law enforcement is **required to arrest** your abuser for violating “no contact” or “stay away” parts of an Interim, Temporary, or Final Protective or Peace Order. Violations may bring up to 90 days in jail and/or a \$1,000 fine.
- For **Protective Orders**, all subsequent violations afterwards may bring up to one year in jail and/or a \$2,500 fine.
- If your abuser violates other provisions of a **Protective Order** (child custody, visitation, financial support, counseling, firearms, etc.), they may be cited for “contempt of court.”
- For **Peace Orders**, if your abuser violates other provisions (attend counseling, pay fees, etc.) they may be cited for “contempt of court.”



Planning For Your Safety At Court Hearings

Whether you are getting a Protective or Peace Order, or have other court cases with your current or former partner, there are ways you can prepare for your physical and emotional safety.

Before Court:

- **Arrive early** at the courthouse and bring a safe, trusted person with you if possible. This could include a friend, an advocate or attorney from a local domestic violence program (see page 1), or your own private attorney.
- Ask if there is a place **out of sight** where you can wait to be called into the courtroom.

At Court:

- Try to be **emotionally prepared** to see and possibly stand or sit near your abuser and/or their friends, family, etc. This may be frightening or overwhelming and it is important to have someone or something, such as a memento, book, jewelry or photo, with you that can provide encouragement and strength.
- If the abuser **attempts to contact you** through text messaging, emails, signals, or tries to speak with you in the courtroom, you can tell your advocate, lawyer, or the judge.

After Court:

- If the court does not space out your exits, have a safe, trusted person walk you to your car, the bus, or return you home safely. You can ask the judge to let you leave at least ten minutes before your abuser. If you do not feel safe, you can also ask a judge or bailiff for an escort.
- Once you receive a Peace or Protective Order, **keep a copy with you at all times. Provide copies** of your order and a picture of your abuser with safe and trusted persons, such as neighbors, employers, school, day care, etc.
- Tell those you trust that you have an order and that you may still be in danger. **Give them instructions** on what they should do if your abuser approaches or contacts them.

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