

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 lived in an intimate relationship with the Respondent for at least 90 days during the past year
- I am related to the Respondent by blood, marriage, or adoption
- I am the parent, stepparent, child, or stepchild of the Respondent, and I have resided with the Respondent for 90 days during the past year
- I have a child in common with the respondent

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 lived in an intimate relationship with the Respondent for at least 90 days during the past 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, and has resided with the Respondent for 90 days during the past year
- The minor child has a child in common with the Respondent

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"/> false imprisonment |
| <input type="checkbox"/> an act that placed the petitioner in fear of imminent bodily harm | <input type="checkbox"/> criminal stalking |
| <input type="checkbox"/> assault in any degree | <input type="checkbox"/> criminal harassment * |
| <input type="checkbox"/> rape or sexual offense | <input type="checkbox"/> criminal trespassing * |
| <input type="checkbox"/> attempted rape or sexual offense | <input type="checkbox"/> malicious destruction of property * |

What if the Petition is Denied or Dismissed?

If the Petition for a Protective Order or the Petition for a Peace Order is denied or dismissed at the interim, temporary, or final hearing, the Respondent may file a written request to shield (that is, to remove from public view), all court records relating to the proceeding. A request for shielding may not be filed earlier than three (3) years after the denial or dismissal of the Petition unless the Respondent files a Request for General Waiver CC-DC 77, which is a release of all the Respondent'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
1-301-352-4574
1-800-MD-HELPS

Legal Assistance

Free legal assistance may be available for victims of domestic violence through various support 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
child 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). 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 clear and convincing 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: (a) may be in effect for as long as one (1) year, and the court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing; or (b) may be extended for a period not to exceed two (2) years, if a judge finds the Respondent has committed a subsequent act of abuse against the Petitioner or a protected person; or (c) may last for as long as two (2) years, if there is a finding that this is a subsequent act of abuse committed within one (1) year after the date that a prior Final Protective Order issued against the same Respondent on behalf of the same person eligible for relief expires, and the prior Final Protective Order was issued for a period of at least six (6) months.

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

Frequently asked questions

Where do I file?

A petition for a peace order may be filed only in District Court. 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.