

Domestic Violence (Part 5): Protective Order Hearings

Filing for a protective order can be a complicated process at a very difficult time in your life. This series has the information you need to get through that court process with as much ease as possible.

Keep in mind that the protective order process can be the most dangerous time for a victim of domestic violence. Be extra cautious. Be extra watchful. Visit mdcourts.gov/dv for help and information.

Let's get started.

FULL-SCREEN ROAD MAP

Interim

Temporary

Final

In this video, we'll discuss three types of hearings in a protective order case. Interim hearings take place if you file for a protective order when courts are closed. If you file your paperwork during court hours, you will have an immediate temporary hearing. After the Respondent is served with copies of a temporary order, both individuals may appear at a final protective order hearing.

In all hearings, a judge or commissioner must determine whether your relationship with the other person qualifies for a protective order. They must also determine if the actions involved constitute abuse. Watch Part 1 of this series, *Can I Get a Protective Order?* for that essential information.

If courts are closed and you want to ask for a protective order, you will have an interim hearing.

CHAPTER HEADING: Interim

The District Court Commissioner's Office, which is open 24/7, issues interim protective orders when courts are closed. That office does not issue protective orders during court hours. You will have to complete a Petition for Protection from Domestic Violence, or form CC-DC-DV-001. Submit it to a commissioner, who will ask you to explain the events and behaviors that you believe were abusive. If the commissioner finds that the abuse occurred, they will issue an interim protective order which lasts no longer than two business days.

Your interim order will include a date and time for a temporary hearing. Try to arrive at least 15 minutes early to find your courtroom.

CHAPTER HEADING: Temporary

Maryland courthouses are open 8:30 a.m. to 4:30 p.m. most weekdays. If a commissioner issued you an interim protective order, you will go to court during these times for a temporary hearing.

If you can wait until court is open to start your case, submit your Petition to the clerk. They will direct you to a courtroom for an immediate temporary hearing as soon as a judge is available. This is a public hearing, so expect other people to be in the courtroom.

This is your chance to explain to the judge why you need a protective order. You will need to describe the abuse. Be specific. Describe what part of the other person's body touched what part of your body. Know dates, times, and places. If the judge determines that abuse occurred, they will issue a temporary protective order. That order lasts for seven days, unless the court extends it.

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Grade level: 8.2

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During that week or so, law enforcement will attempt to serve on the other person copies of your temporary order. Law enforcement must complete this critical step before the court can hold a final protective order hearing. Be sure to stay in touch with the court so that you know when your final hearing is scheduled. If you fail to appear, the court may dismiss your case.

CHAPTER HEADING: Final

A final protective order hearing is the last step in obtaining an order, which may last for up to one year. You will get advance notice about this final hearing. Try to get to the courthouse at least 15 minutes early to get through security and find the right courtroom.

Both individuals may be at this formal hearing. What if the Respondent, or alleged abuser, doesn't show up even though they were served? In that case, the judge will ask you to testify about what happened before deciding whether to grant a final protective order.

If both individuals are present, the judge will ask the Respondent if they want to consent, or agree, to the entry of a protective order. The other option is for the Respondent to contest the protective order. Watch part 4 of this series, *Did You Get Served with a Protective Order?* for more information on those options.

If the Respondent does not consent, the judge will hold a contested trial. Both individuals will testify and submit evidence. Evidence may include photos, documents, or written communications. If possible, print out evidence before court. Both individuals may also present and cross-examine witnesses.

Consider getting legal help before this final hearing. Find resources at mdcourts.gov/dv. Or, speak with a lawyer for free at the Maryland Courts Self-Help Center. The number is 410-260-1392.

At the end of the trial, the judge will decide whether to grant a final protective order. They will also review the terms of the final order, including stay-away provisions and child custody or financial terms. Part 2 of this series, *Protective Order Safeguards*, examines provisions available in protective orders.

CHAPTER HEADING: Let's Review

FULL-SCREEN ROAD MAP

Interim

Temporary

Final

An interim hearing takes place in a commissioner's office when courts are closed. A temporary hearing in court may result in a protective order that lasts for about seven days. After the Respondent is served, the court will schedule a final protective order hearing. Stay in contact with the court so you don't miss notification of your hearing date. Both individuals may appear at a final protective order hearing.

Remember, for all hearings, the court must determine whether your relationship with the other person qualifies for a protective order. The actions must also constitute abuse. Watch Part 1 of this series, *Can I Get A Protective Order?* for that critical information.

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Keeping people safe from domestic violence is important. If you are a victim, you are not alone. Reach out. Find help at mdcourts.gov/dv.