

Peace Order or Protective Order . . . which one?

Peace and protective orders are civil orders issued by a judge to prevent one person from committing certain acts against others. The personal relationship between the “respondent” (person alleged to commit the prohibited act) and the victim (person to be protected) determines which kind of petition would be filed. Protective orders generally apply to people in domestic relationships. Peace orders apply to other relationships (dating, neighbors, co-workers, acquaintances, strangers). You cannot qualify for both; you must choose the one for which you would qualify.

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 with the respondent

If you are filing the petition for a child or an adult who cannot provide for his or her own daily needs (a vulnerable adult), do either of these apply to you?

- I am related to the minor child or vulnerable adult by blood, marriage or adoption
- I reside in the same house with the minor child or vulnerable adult

If you checked any boxes above, you would file for a protective order. If you did not, you would file for a peace order.

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.

- an act that caused serious bodily harm
- an act that placed the petitioner in fear of imminent bodily harm
- assault in any degree
- rape or sexual offense
- attempted rape or sexual offense
- false imprisonment
- criminal stalking
- criminal harassment *
- criminal trespassing *
- malicious destruction of property *

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.

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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

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 then go to a courtroom to await a hearing.

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 against you, (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);

or

- Instead of a trial, the respondent consents to the entry of a final order.

A Final Protective Order may be in effect: (a) 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) a Final Protective Order 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 months.

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.)

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.