

MARYLAND CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Maryland, there are 3 types of civil protection orders:

- ☐ **Domestic Violence Protective Orders** are available for individuals seeking protection from those with whom they have a specific relationship such as a current or former spouse or sexual partner, family member, or co-parent (MD Code, Fam. Law §4-501, et seq.).
- ☐ **Peace Orders** are available for individuals who are not eligible for a domestic violence protection order seeking protection from conduct such as physical harm, stalking, harassment, etc. (MD Code, Cts. & Jud. Proc. § 3-1501, et seq.).
- ☐ **Extreme Risk Protective Orders** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (MD Code, Public Safety § 5-601, et seq.).

DOMESTIC VIOLENCE PROTECTIVE ORDER

Who can apply?	A person who is a victim of abuse by a person with whom they share an eligible relationship. <i>MD Code, Fam. Law § 4-501(m).</i> Abuse means: • An act that causes serious bodily harm or places someone in fear thereof; • Assault; • Rape or other sexual offense; • False imprisonment; • Stalking; or • Revenge porn. <i>MD Code, Fam. Law § 4- 501(b)(1)-(3).</i> If the victim is a child (under the age of 18 years), abuse includes any physical or mental injury that indicates the child's health or welfare is harmed or in substantial risk of harm. <i>MD Code, Fam. Law § 5-701(b)(1).</i> If the victim is a vulnerable adult (an adult who lacks the physical or mental capacity to provide for their daily needs), abuse includes any physical injury sustained as a result of cruel or inhumane treatment, or any malicious act. <i>MD Code, Fam. Law § 14-101(b), (q).</i>
Can minors apply?	Yes. A minor can file their own petition for domestic violence protective order. <i>Md. Code, Fam. Law § 4-501(m); see also Md. Code, Fam. Law § 4-501(b)(2).</i> <i>continued next page</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

Can minors apply?	In addition, the following people can file for a protective order on a minor's behalf: • State's Attorney or the Department of Social Services for the county where the minor resides; • State's Attorney or the Department of Social Services where the abuse took place; • A relative by blood, marriage, or adoption; or • An adult living with the minor can also file a protective order on behalf of the child. <i>MD Code Family Law § 4-501(o)(2)(ii).</i>
Who can be restrained?	Anyone who committed or attempted to commit rape or a sexual offense against petitioner within 6 months prior to filing the petition can be restrained. <i>MD Code, Fam. Law § 4-501(m)(8).</i> In all other cases, the person must be in a specific relationship with petitioners. The eligible relationships are: • Current or former spouse; • Those who lived together for at least 90 days in the past year and share or shared a sexual relationship; • Those related by blood, marriage, or adoption; • A parent, stepparent, child, or stepchild who lived together for at least 90 days in the past year; • Those with a child in common; and • Those in a sexual relationship. <i>MD Code, Fam. Law §§ 4-501(m)(1)-(7); 4-501(d).</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

What types of relief may a court order?

An **interim protective order**, issued as an emergency order, may include the following provisions:

- Prohibit further abuse or threats of abuse;
- Prohibit contact, attempts to contact, or harassment;
- Exclude respondent from petitioner's home (even if shared);
- Award custody of child;
- Award temporary use and possession of home;
- In case of abuse of a vulnerable adult, temporary use and possession of home to an adult living in the home;
- Require respondent to remain away from workplace, school, residence, or family members' homes; and
- Award temporary possession of pet.

MD Code, Fam. Law § 4-504.1(c).

A **temporary protective order** may include any of the above, as well as:

- Require respondent to remain away from childcare provider; and
- Order surrender of firearm (if abuse involved use or threat of use of firearm, serious body harm, or threat of serious bodily harm).

MD Code Ann., Fam. Law § 4-505(a)(2).

A **final protective order** may include any of the above, as well as:

- Establish temporary visitation with minor child;
- Award emergency family maintenance;
- Award temporary use and possession of jointly owned vehicle if necessary for employment or care of minor;

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DOMESTIC VIOLENCE PROTECTIVE ORDER

What types of relief may a court order?	• Order professionally supervised counseling or a domestic violence program; • Order payment of filing fees and costs; <i>MD Code Ann., Fam. Law § 4-506(d), (f).</i> Note: Temporary use/possession of the home can only be granted to a non-spouse if their name is on the lease/deed or if they shared the home with the respondent for at least 90 days during the 1 year period before the protective order was filed. <i>MD Code, Fam. Law § 4-504.1(c)(4), (6); § 4-505(a)(2)(iv); §4-506(d)(4).</i>
How long does the order last?	An interim protective order lasts until a temporary protective order hearing or at the end of the 2nd business day the court is open following the issuance of an interim protective order. <i>MD Code, Fam. Law § 4-504.1(h).</i> A temporary protective order typically lasts for up to 7 days after the service of the order. It may be extended as needed, but for no longer than 6 months. <i>MD Code, Fam. Law § 4-505(c).</i> A final protective order will state the effective period and generally cannot exceed 1 year. A final protective order can be effective for 2 years if respondent commits an act of abuse within 1 year after the date that a prior final protective order issued expires or if the respondent consents. <i>MD Code, Fam. Law § 4-506(j).</i> <i>continued next page</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

How long does the order last?	Additionally, a permanent order can be issued if a prior order was issued and: • The respondent was convicted and sentenced to serve at least 5 years of incarceration (at least 12 months of services being for the abuse that was the basis of the order); or • The respondent committed a new act of abuse while a protective order was in place and was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act and has served at least 12 months of the sentence. <i>MD Code, Fam. Law § 4-506(k)(1), (k)(3).</i>
Can the order be renewed?	Yes. Before the final protective order expires, petitioner may apply to the court for an extension. The hearing to extend the order will take place within 30 days after the motion is filed. If the hearing is not held before the original expiration date of the final protective order, the order will be automatically extended until the hearing. <i>MD Code, Fam. Law § 4-507(a)(2), (a)(4).</i> The Court can extend a protective order for 6 months without any new incidents of abuse with a showing of good cause. <i>MD Code, Fam. Law § 4-507(a)(2).</i> The final protective order can also be extended for up to 2 years if the respondent commits new acts of abuse during the term of the protective order or if the respondent consents. <i>MD Code, Fam. Law § 4-507(a)(3).</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

Is a hearing with the respondent required?

An ex parte hearing will occur on the filings, at which a judge may grant a temporary protection order.

MD Code, Fam. Law § 4-505(a)(1); MD Code, Fam. Law § 4-505(c)(1).

The respondent must be served with notice of the final hearing date and can then appear at the final hearing.

MD Code, Fam. Law § 4-506(b), (i).

PEACE ORDER

Who can apply?	Individuals whose relationship does not qualify for a domestic violence protective order may obtain a peace order. Peace orders protect against conduct by neighbors, co-workers, acquaintances, and/or strangers. The petitioner must be a resident of Maryland (regardless of whether the act occurred in Maryland) or one of the following acts must have occurred in Maryland within 30 days before filing for an order: • Act causing serious bodily harm; • Act placing petitioner in fear of immediate serious bodily harm; • Assault in any degree; • False imprisonment; • Harassment; • Stalking; • Trespass, • Malicious destruction of property; • Misuse of telephone facilities and equipment; • Misuse of electronic communication or interactive computer service; • Revenge porn; and • Visual or camera surveillance. <i>MD. Code, Cts. & Jud. Proc. § 3-1503(a)(1), (2).</i>
Can minors apply?	The petitioner can be any individual. <i>MD Code, Cts. & Jud. Proc. § 3-1501(h).</i>

PEACE ORDER

Who can be restrained?	The respondent can be anyone who is not in a qualifying relationship for a DPVO with the petitioner and that the commissioner or judge finds likely to abuse petitioner in the future. For a minor to be restrained, the Department of Juvenile Services must first review the petition and grant permission for the case to proceed in court. MD Code, Cts. & Jud. Proc. § 3-8A-10(c), (d).
What types of relief may a court order?	Interim, temporary, and final peace orders can be issued if the commissioner or judge finds the respondent is likely to abuse petitioner in the future. Interim and temporary peace orders can: • Prohibit abuse or threats of abuse; • Prohibit contact, attempts to contact, or harassment; • Prohibit respondent from appearing at petitioner's home, workplace, school, or temporary residence. <i>MD Code, Cts. & Jud. Proc. §§ 3-1503.1(c)(2); 3-1504(a)(2); 3-1505(d)(1).</i> A final peace order can include any of the above and also: • Require petitioner or respondent to participate in professionally supervised counseling; • If agreed to by all parties, mediation between petitioner and respondent; and • Require respondent pay all fees and costs associated with the proceedings. <i>MD Code, Cts. & Jud. Proc. § 3-1505(d)(1).</i>
How long does the order last?	An interim protective order lasts until a temporary protective order hearing or at the end of the 2nd business day the court is open following the issuance of an interim protective order. <i>MD Code, Cts. & Jud. Proc. § 3-1503.1(g), (d)(1)(ii).</i> <i>continued next page</i>

PEACE ORDER

How long does the order last?	A temporary protective order typically lasts for up to 7 days after the service of the order. It may be extended as needed, but for no longer than 30 days. <i>MD Code, Cts. & Jud. Proc. § 3-1504(c).</i> A final peace order can last for up to 6 months. <i>MD Code, Cts. & Jud. Proc. §§ 3-1505(f).</i>
Can the order be renewed?	Yes. Before the final peace order expires, petitioner may apply to the court for an extension. The hearing to extend the order will take place within 30 days after the motion is filed. If the hearing is not held before the original expiration date of the final protective order, the order will be automatically extended until the hearing. <i>MD. Code Ann., Cts. & Jud. Proc. § 3-1506(a)(2), (3).</i> The Court can extend a peace order for 6 months. <i>MD. Code Ann., Cts. & Jud. Proc. § 3-1506(a)(2).</i>
Is a hearing with the respondent required?	An ex parte hearing will occur on the filings, at which a judge may grant a temporary protection order. <i>MD. Code Ann., Cts. & Jud. Proc. § 3-1504(a)(1).</i> If a temporary peace order is granted, a hearing for a final peace order will be set usually within 7 days. The respondent must be served with notice of the final hearing date and can then appear at the final hearing. <i>MD. Code Ann., Cts. & Jud. Proc. § 3-1504(c)(1), 3-1505(b).</i>

EXTREME RISK PROTECTIVE ORDER

Who can apply?	An extreme risk protective order may be issued if the respondent poses an immediate and present danger of personal injury by possessing a firearm. The following individuals may file a petition for an extreme risk protective order: • Certain mental health professionals who have examined the individual; • A law enforcement officer; • The spouse of the respondent; • A cohabitant of the respondent; • A person related to the respondent by blood, marriage, or adoption; • An individual who has a child in common with the respondent; • A current dating or intimate partner of the respondent; or • A current or former legal guardian of the respondent. <i>MD Code, Public Safety §5-601(e)(2).</i>
Can minors apply?	Yes. The petitioner can be any individual. <i>MD Code, Public Safety § 5-601(e)(2).</i>
Who can be restrained?	The respondent can be any person who poses an immediate and present danger of personal injury by possessing a firearm to themselves or another. <i>MD Code, Public Safety § 5-601(e)(f).</i>
What types of relief may a court order?	Interim, temporary, and final extreme risk protective orders can order the respondent to give up all firearms and ammunition to law enforcement and prohibit the purchase or possession of firearms and ammunition. <i>MD Code, Public Safety § 5-603(a)(3), § 5-604(a)(3), § 5-605(c)(3).</i> <i>continued next page</i>

EXTREME RISK PROTECTIVE ORDER

What types of relief may a court order?	The respondent can also be subjected to an emergency evaluation. <i>MD Code, Public Safety § 5-603(a)(4), § 5-604(a)(4); § 5-605(c)(4).</i>
How long does the order last?	An interim extreme risk protective order lasts until a temporary protective order hearing or at the end of the 2nd business day the court is open following the issuance of an interim protective order. <i>MD Code, Public Safety § 5-603(e).</i> A temporary extreme risk protective order typically lasts for up to 7 days after the service of the order. It may be extended as needed, but for no longer than 6 months. <i>MD Code, Public Safety § 5-604(c).</i> A final extreme risk protective order can last up to 1 year. <i>MD Code, Public Safety § 5-605(f).</i>
Can the order be renewed?	Yes. Before the final extreme risk protective order expires, petitioner may apply to the court for an extension. The hearing to extend the order will take place within 30 days after the motion is filed. If the hearing is not held before the original expiration date of the final protective order, the order will be automatically extended until the hearing. <i>MD Code, Public Safety § 5-606(a).</i> The court can extend the final extreme risk protective order for 6 months. <i>MD Code, Public Safety § 5-606(a)(2).</i>

EXTREME RISK PROTECTIVE ORDER

Is a hearing with the respondent required?

An ex parte hearing will occur on the filings, at which a judge may grant a temporary or interim protection order.

MD Code, Public Safety § 5-603(a), § 5-604(a)(1).

If an interim extreme risk protective order is granted, a temporary extreme risk protective order hearing and a tentative final extreme risk protective order will be set. Respondent must be served with notice of the final hearing date and can then appear at the final hearing.

MD Code, Public Safety § 5-603(b), 5-604(b), 5-605(a).

HOW TO APPLY

Forms are available at courthouse and online at
<https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv001.pdf/ccdcdv001.pdf>.

The Maryland Judiciary's "Peace and Protective Orders" brochure is available here:
<http://www.mdcourts.gov/courtforms/joint/ccdcdvpo001br.pdf>.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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