



Cover Memorandum

Court Orders for Protection, JHPD Directive #421

Purpose of the Directive

This Directive provides guidelines to Johns Hopkins Police Department (JHPD) members regarding the petitioning for, service of, and enforcement of civil protective orders and peace orders. JHPD members are required to approach this work in the same way they do for all cases involving domestic and sexual offenses, and other cases of abuse – through strong, offender-focused investigations as well as compassionate, victim-centered assistance.

Summary of Directive Requirements

This Directive requires members to review the Maryland Judiciary’s Peace & Protective Order brochure to understand the basics of protective and peace orders in Maryland.

The Directive then details how members can support victims of crimes of violence and abuse in obtaining protective or peace orders when they respond to an incident and the person is eligible for such an order. The Directive requires members to encourage victims to petition for an order when they are eligible and in immediate and present danger, and to transport (or ensure transport) and accompany victims through the process when feasible. If the victim does not wish to pursue a protective/peace order themselves, the Directive allows members to consult a supervisor about applying for an order on the victim’s behalf when they are in immediate and present danger. The Directive requires members to explain the protective/peace order process to victims in cases where the offender has been arrested and the victim would be in immediate and present danger upon the offender’s release. The Directive instructs members on where a protective or peace order may be obtained and explains interim protective orders.

The Directive then provides guidance on how to handle violations of protective and peace orders, explaining that if an order is violated, the member shall validate the order, confirm that the respondent had been served with the order, and arrest the offender (with limited exceptions to arrest, detailed in an appendix).

The Directive also explains to members that most protective/peace order service is executed by the Sheriff’s Office or Baltimore Police Department (BPD), but that JHPD members shall serve an unserved protective/peace order when there is an available copy of the order, and the respondent is present. The Directive explains that when an order requires service, but a copy is not immediately available, the JHPD member shall request that BPD obtains a copy and serves the order. In such instances, the JHPD member shall advise the subject that there is an order that they stay away from the victim and request that they remain at the scene for service, but that members shall not detain respondents for service. The Directive describes how many temporary and all final protective orders require the surrender of firearms and guides officers on how to take possession of those firearms upon service. It also explains that members shall give

the respondent reasonable time to remove personal effects upon being ordered to vacate the home, and that members shall ensure children are returned to the proper party where the order includes child custody provisions. The Directive requires members to make prompt notifications regarding service of protective/peace orders.

The Directive details other victim assistance that members should provide persons. It also includes member reporting requirements regarding protective/peace order petition assistance, service, and enforcement. Lastly, the Directive includes supervisor responsibilities around protective/peace order procedures.

Blueprint for the Policy Development Process

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD’s draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall’s Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

a. Publicly available policies from municipal police departments that have undergone substantial reform efforts, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts’s “Racially Just Policing: Model Policies for Colleges and Universities”; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

c. National and local higher education institutions that are based in comparable environments and make policies publicly available, including: Carnegie Mellon University; Morgan State University;

Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



POLICE DEPARTMENT COURT ORDERS FOR PROTECTION

OPERATIONAL PROCEDURE #421

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard, Jr.
Issued: [full date]
Revised: [full date]

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Policy Statement

It is the policy of the Johns Hopkins Police Department (JHPD) to provide immediate and effective assistance and protection to victims of violence and abuse, including those who are or may become petitioners in civil protective and peace orders, and to take appropriate action against offenders who violate such orders.

Who is Governed by this Policy

This Directive governs all bureaus, sections, and their members, including sworn, non-sworn and contractual or voluntary persons in service with JHPD.

Purpose

This Directive provides guidelines to JHPD members regarding the petitioning for, service of, and enforcement of civil protective orders and peace orders. JHPD members are required to approach this work in the same way they do for all cases involving domestic and sexual offenses, and other cases of abuse – through strong, offender-focused investigations as well as compassionate, victim-centered assistance.

This Directive governs response and investigation into calls to police for assistance with peace and protective orders. For instances of domestic violence, dating violence, or stalking involving Johns Hopkins University (JHU) students, faculty, staff, and other members of the Johns Hopkins (JH) community where JHPD responds for the criminal report and investigation, a JHPD member will notify JHU's Office of Institutional Equity (OIE). JHPD's involvement in any investigation is related solely to the investigation of any crime that may have been committed, and/or providing victim assistance services related to a criminal complaint.

Definitions

Abuse:	Defined for purposes of a protective order as an act that constitutes any of the following: <ul style="list-style-type: none">• An act that causes serious bodily harm,• An act that places a person eligible for relief in fear of imminent serious bodily harm,• Assault in any degree,• Rape or sexual offense, or attempted rape or sexual offense to any degree,• False imprisonment,• Stalking,• Revenge porn,• Child abuse, as defined below if the person seeking a protective order is a child, OR• Vulnerable adult abuse, if the person seeking a protective order is a vulnerable adult.
Child Abuse:	Child abuse is defined for purposes of a protective order as the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed. Child abuse also includes sexual abuse of a child, whether physical injuries are sustained or not. Child abuse does not include the physical injury of a child by accidental means.
Cohabitant	A person who has had a sexual relationship with the victim and resided with the victim for a period of at least 90 days within one (1) year before the filing of the petition.
Peace Order	A civil order directing the respondent to refrain from committing certain acts against the petitioner. A person is not eligible for a peace order if they are eligible for a protective order. A peace order can be granted as an interim, temporary, or a final peace order. A final peace order can be granted for up to six (6) months. A peace order can only be issued if one of the following acts occurred within 30 days of the petitioner seeking a peace order: <ul style="list-style-type: none">• An act that causes serious bodily harm,

- An act that places the petitioner in fear of imminent 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,
- Visual surveillance.

Petitioner	The person requesting the court's protection from the Respondent.
Protective Order	<p>A civil order directing the respondent to refrain from committing certain acts against the petitioner. For a person to be eligible for relief under a protective order, there must be abuse (defined above), and the petitioner's relationship to the respondent must be one of the following:</p> <ul style="list-style-type: none"> • The current or former spouse of the respondent, • A Cohabitant of the respondent, • A person related to the Respondent by blood, marriage, or adoption, • A parent, stepparent, child or stepchild of the Respondent or the person eligible for relief who resides or resided with the Respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition, • A vulnerable adult, • An individual who has a child in common with the respondent, • An individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition, or • An individual who alleges the commission, within six (6) months before the filing of the petition, of rape or a sexual offense (including 4th degree/misdemeanor sexual offense), or attempted rape or sexual offense in any degree.
Respondent	The Respondent is the person who has been accused of abusing the Petitioner and against whom the order is sought.
Stalking	A malicious course of conduct that includes approaching or pursuing another person with the intent (or where the likely outcome would be) to either: cause serious emotional distress OR to place the victim in reasonable fear of assault, false imprisonment, a sex offense or attempted sex offense, serious bodily injury, or death to themselves or a third person.
Vulnerable Adult	An adult who lacks the physical or mental capacity to provide for their daily needs.

Vulnerable Adult Abuse	For purposes of a protective order, this means the sustaining of any physical injury by a vulnerable adult because of cruel or inhumane treatment or because of a malicious act by any person.
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Core Principles

- I. **Trauma-Informed Response** JHPD provides a trauma-informed response to victims of domestic violence, dating violence, stalking and other abuse or harm. JHPD understands that there is no typical reaction to trauma and that trauma can seriously impact a person's physical, emotional, social, and economic state, as well as their memory.
- II. **Victim-Centered Support** JHPD is committed to supporting crime victims by offering assistance and guidance in obtaining protective orders and peace orders. JHPD members do so by treating all victims with dignity and sensitivity, centering victim needs, and understanding that it is the offender, not the victim, who is responsible for the offense.
- III. **Protection from Abuse** JHPD shall assist with or apply for protective orders and peace orders, per policy requirements below. JHPD shall also assist with service of these orders on respondents, where applicable. JHPD shall enforce protective orders and peace orders to provide protection for persons eligible for relief.

Procedures

- I. **General**
 - A. Consistent with the Memorandum of Understanding (MOU) between JHPD and the Baltimore Police Department (BPD), dated December 2, 2022, BPD is responsible for investigating all crimes that are categorized as National Incident Based Reporting System (NIBRS) Group A offenses, and JHPD will serve as the primary investigators on NIBRS Group B offenses. Whether a JHPD member is serving only as the initial responder or the primary investigator for case involving acts that are eligible for protective or peace orders, JHPD members are required to use all reasonable means to prevent further abuse, exploitation, or neglect. Therefore, they shall ensure that the protective order process, as described below, is explained to victims, and pursued, where applicable, by either the victim, BPD or JHPD as appropriate.
 - B. Members shall review the Maryland Judiciary Peace & Protective Order brochure contained in Appendix A to understand the difference between these two types of orders and how to determine whether a victim is eligible for a protective order or a peace order.
 - C. Members shall follow the requirements of JHPD Directive #420, Domestic Violence, as applicable to the situation at hand.

- D. Officers must understand that orders of protection are issued by the court, against the offender for the protection of the victim. They restrict the offender's behavior and only the offender can violate the orders. Victims cannot be arrested for conspiring to violate orders.

NOTE: The petitioner/victim CANNOT waive or modify a protective or peace order. Only the judge can modify the order provisions.

II. **Response to Incidents where the Victim is Eligible for a Protective or Peace Order** (CALEA 55.2.2)

- A. When responding to any domestic violence, dating violence, or stalking incident, the JHPD officer shall advise the victim of the availability of a civil protective order (or peace order, if applicable) in every case, even if the offender is arrested and in noncriminal situations where the victim is fearful. The officer should also advise victims in other cases where acts covered under such orders have occurred.
- B. JHPD officers shall strongly encourage victims to obtain civil protective or peace orders when the victim and/or the officer believes the victim is in immediate and present danger and the victim is eligible for an order.
- The JHPD officer shall either make themselves available to transport the victim or ensure that the victim has transportation to the courthouse or Court Commissioner's Office.
 - Officers are encouraged to accompany victims through the petition and hearing process for obtaining interim or temporary protective and peace orders.
- C. If the victim does not wish to obtain a protective or peace order, the officer shall consider requesting the order for the victim, if the officer believes the victim is in immediate and present danger and they appear eligible for a protective or peace order. If the victim strongly opposes the pursuit of such an order, the officer shall not apply for one.
- JHPD officers shall consult their supervisor if they are considering applying for a protective or peace order on behalf of the victim.
- D. In arrest situations, the following procedures shall be implemented: (CALEA 55.2.5)
- When a person is arrested based upon an allegation of a crime covered by protective or peace orders and the officer can assert reasonable grounds to believe that a person is in immediate and present danger of violence or abuse upon the offender's release from custody, then the officer shall explain the protection/peace order process to the victim and ascertain if the victim desires one.

- In extraordinary circumstances where the officer fears for the safety of the victim, but the victim does not desire a protective order, an investigating officer may request one on behalf of the victim. Officers shall consult with their supervisor in such situations.
- E. If a protective or peace order is appropriate, the application shall be completed by reporting to the Clerk's Office at the District Court for Baltimore City during business hours, or the Court Commissioner after hours and on weekends. Protective orders may also be obtained at the Circuit Court for Baltimore City during business hours.
- F. Interim protective and peace orders are emergency orders that:
- May be issued by District Court Commissioners without prior judicial review, and
 - Must undergo District Court judicial review within a maximum of two (2) days when courts are in session unless the court continues the proceedings. Judges may then issue temporary peace orders.

III. Violations of Protective or Peace Orders

- A. Where the JHPD officer has witnessed or there is probable cause to believe that a respondent in an active/valid protective or peace order has violated the order, the officer shall arrest the respondent.
- When told of the existence of a protective order, but no documents are presented, officers will ensure MILES queries are conducted and any resulting information verified through originating agencies before taking enforcement actions.
 - If the victim displays or presents to officers copies of out-of-state or Indian Tribe protective orders that appear to be valid on their face, JHPD officers shall arrest for violations of these orders. To determine if protective orders are valid on their face, officers will look for information that includes, but is not limited to:
 - Names of parties,
 - Date orders were issued,
 - Expiration dates, unless issuing jurisdictions issue non-expiring orders,
 - Terms and conditions placed on abusers,
 - Name of issuing clerk, and
 - Signature of judicial officer.
 - If verified, officers will make arrests for violations of the conditions of the protective order.
 - If JHPD officers are not able to verify an order through Maryland Electronic Telecommunications Enforcement Resource System (METERS), the officer

shall contact BPD's Hot Desk or the District Court for assistance with verification.

- B.** To arrest a respondent for a violation of a protective or peace order, officers must determine that the respondent has been served with a copy of the protective/peace order or has actual notice of the order. Officers should check the victim's copy of the protective order or verify provisions of the order via METERS.
- Any protective or peace order (whether interim, temporary, or final), must have been served before enforcement actions can be taken.

IV. Service of Protective or Peace Orders (CALEA 74.2.1)

- A.** The service of protective and peace orders in Baltimore City is the primary responsibility of Baltimore City Sheriff's Office. At times, BPD and JHPD may conduct service of protective or peace orders as well.
- B.** If a JHPD officer arrives at a scene where a victim informs the officer that there is a valid protective or peace order, the officer will determine whether the order is active/valid and has been served. If the order has not yet been served, and the victim has a copy of the order for the JHPD officer to serve, the JHPD officer will serve the respondent if they are still present.
- The respondent's signature is not required.
 - Service may be completed by leaving a copy with the respondent. The respondent does not have to accept the copy for service to be complete.
- C.** If the respondent is present but there is not a copy of the protective or peace order immediately available for service, the JHPD officer shall:
- Request that Baltimore City Sheriff's Office or BPD obtain a copy and respond to the scene to serve the order upon the respondent,
 - Advise the subject that there is a protective order against them, informing them that they have been ordered to stay away from the victim, and requesting that the subject remain at the scene (away from the victim, who shall be separated from the respondent for their safety) until service can be completed, and
 - Not detain persons who decline to wait for service of the order. Officers shall attempt to obtain respondents' personal information to assist in service, such as home addresses and telephone numbers, places of employment and telephone numbers, etc.
- D.** Many temporary and all final protective orders will mandate that respondents surrender all their firearms to police and may not possess firearms for the duration of the orders. Thus, JHPD officers shall:

- Take possession of the respondents' firearms,
 - Safely transport and store impounded firearms for the duration of the orders (See JHPD Directive #467, Collection & Preservation of Evidence),
 - Provide respondents information on the process for retaking possession of the firearms, and
 - Allow respondents to retake possession of firearms unless:
 - o Protective orders are extended by the courts, or
 - o Respondents are not otherwise legally entitled to own or possess firearms.
- E.** Upon service of a protective order mandating a respondent to vacate the home, ensure the respondent leaves the premises after being given reasonable time to remove personal clothing and effects required for the respondent's needs until the hearing date.
- F.** If a protective order includes the temporary custody of a child as a provision of the order, ensure that the child has been returned to the proper party.
- G.** In instances where a JHPD officer serves the protective or peace order, the officer shall contact JHPD National Crime Information Center (NCIC) Operator as soon as possible to report the service. Law enforcement is required by law to enter an electronic notification of successful service within two (2) hours after service.
- H.** In instances where a JHPD officer serves an order, the officer shall complete the return of service and submit it to the court and document in the Records Management System (RMS). (CALEA 74.1.2)

V. Victim Assistance & Procedures for Incidents involving Protective and Peace Orders

- VI.** In addition to the above requirements, JHPD officers shall:
- Ensure each complainant receives a Crime Victim and Witnesses: Your Rights and Services brochure, (CALEA 55.1.1, 55.2.2, 55.2.3)
 - Take reasonable and prudent actions to ensure the peace, assist and protect the involved parties, and provide information about the services that are available to people involved in noncriminal disputes,
 - Assist complainants in contacting local service providers, (CALEA 55.2.1.b)
 - Review procedures and create safety plans with victim to ensure their immediate safety,

- Ensure victims are in apparently safe environments when officers leave and that they know how to contact police if the offenders return, and/or (CALEA 55.2.3)
- Arrange for transportation to safe locations where they can obtain assistance when:
 - Officers believe complainants will be best served by providing this service, and
 - Complainants have no reasonable means of transportation.

VII. Reporting

- A. Complete reports containing information about the type of call, details about factors leading to arrests for violations of protective/peace orders, applications for protective/peace orders, or service of such orders. Include as much detailed information as available about the occurrences leading to the law enforcement action or assistance, the condition of the scene and parties, any past law enforcement responses to the location, and all actions taken to ensure the safety of victims.
- B. For reports on the successful or attempted service of a protective or peace order, the report shall include: (CALEA 74.1.2)
 - Date and time service was executed/attempted,
 - Name of personnel executing/attempting service,
 - Name of person on whom the order was served,
 - Method of service or reason for nonservice,
 - Address of service/attempt, and
 - To whom and when service notifications were made.

VIII. Supervisor Responsibilities

- A. Supervisors shall ensure that members follow the requirements of this Directive to protect victims' safety through conveying important information about the availability of protective orders, providing support and transportation (if needed) during the protective order petition process, arresting respondents who violate protective orders (per guidance above), conducting safety planning and providing victims with access to local service providers, along with the other member requirements listed above.
- B. Supervisors shall ensure that proper notifications are made to the NCIC Operator and District Court within two (2) hours of protective and peace order service.

- C. Supervisors shall assist officers with determining whether the officer should apply for a protective or peace order on behalf of the victim in cases where the victim does not wish to obtain one for themselves.

Policy Enforcement

Enforcement	JHPD managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit (PSAU).

Related Resources

University Policies and Documents
Operational Procedure #420, Domestic Violence Operational Procedure #467, Collection & Preservation of Evidence
External Documentation
Police Department Forms and Systems

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			

Appendix A

Maryland Judiciary, How to File for a Peace or Protective Order

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 had a sexual relationship with the respondent and have resided with the respondent in the home for a period of at least 90 days within the last year.
- I am related to the respondent by blood, marriage, or adoption.
- I am the parent, stepparent, child, or stepchild of the respondent or person eligible for relief, and I have resided with the respondent or person eligible for relief for 90 days during the past year.
- I have a child in common with the respondent.
- I have had a sexual relationship with the respondent within one (1) year before the filing of the petition.
- Within six (6) months before the filing of the petition the respondent committed rape or a sexual offense or attempted rape or sexual offense against me.

*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 had a sexual relationship with the respondent and has resided with the respondent in the home for a period of at least 90 days within the last 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 or person eligible for relief and has resided with the respondent for 90 days during the past year.
- The minor child has a child in common with the respondent.
- The minor child has had a sexual relationship with the respondent within one (1) year before the filing of the petition.
- Within six (6) months before the filing of the petition the respondent committed rape or a sexual offense or attempted rape or sexual offense against the minor child.

*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 their 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.

- an act that caused serious bodily harm
- an act that placed the petitioner in fear of imminent harm
- assault in any degree
- rape or sexual offense
- attempted rape or sexual offense
- false imprisonment
- criminal stalking
- revenge porn
- criminal harassment *
- criminal trespassing *
- malicious destruction of property *
- misuse of telephone facilities and equipment *
- misuse of electronic communication or interactive computer service *
- visual surveillance *



24-Hour Domestic Violence Hotline
1-888-880-7884

National Domestic Violence Hotline
1-800-799-SAFE

Maryland Network Against Domestic Violence
1-301-429-3601

Legal Assistance

Free legal assistance may be available for victims of domestic violence through various 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:

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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assault
fear of harm
trespassing
harassment

bodily
harm



stalking

destruction
of property

**How to File
for a Peace or
Protective Order**

domestic violence

sexual assault

attempted rape

spousal
abuse

child
abuse



Appendix A, continued

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: mdcourts.gov/forms.

Step 2: File the petition

- During normal business hours, file the petition with a circuit or District Court clerk (District Court for peace orders), against a person 18 years or older.
- A petition for a protective order may be filed electronically from specific locations such as a hospital, a vulnerable adult program, a child advocacy program, or an assistance program for domestic violence, sexual assault, or human trafficking (see FL § 4-505.1). For electronically filed protective order petitions, the petitioner will virtually participate in the Temporary Order hearing by video conference.
- For information on filing a petition against a person younger than 18, contact the Maryland Department of Juvenile Services (DJS).
- Once the petition is filed, you will be directed into a courtroom as soon as a judge is available to hear your case.
- When courts are closed, District Court commissioners may issue Interim Peace and Protective Orders to last until a judge holds a hearing on the temporary order.
- An interim order goes into effect when a law enforcement officer serves the respondent.
- Visit mdcourts.gov/district/directories/courtmap for court/commissioner locations.
- By filing a peace order petition, an employer may request the court's relief from a respondent who commits qualifying acts against the petitioner or against the petitioner's employee at the employee's workplace.

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 (7) days unless extended by a judge.

Step 4: Appear for a final hearing

- A final hearing is usually scheduled within seven (7) 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 by a preponderance of the 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 may be granted for as long as one (1) year. The court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.
- A Final Protective Order may be granted for as long as two (2) years if:
 - the same person eligible for relief previously obtained a Final Protective Order against the same respondent AND
 - the prior order lasted for at least six (6) months AND
 - within one (1) year of the expiration of the order,
 - the respondent commits an act of abuse against the person eligible for relief OR
 - the respondent consents to the order.
- The court shall issue a Permanent Protective Order if:
 - requested by the person eligible for relief against an individual who was the respondent in a previously issued Interim, Temporary, or Final Protective Order; AND
 - the respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years and served at least 12 months of the sentence for:
 - the act of abuse that led to the issuance of the Interim, Temporary, or Final Protective Order; OR
 - committing an act of abuse against the person eligible for relief during the term of the Interim, Temporary, or Final Protective Order.
- 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 a hearing.

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 a person eligible for relief or respondent
- order any other relief that the judge determines is necessary to protect a person eligible for relief from abuse (applies to a Final Protective Order, only)



CAN COURT RECORDS FOR PROTECTIVE ORDERS OR PEACE ORDERS BE SHIELDED FROM PUBLIC VIEW?

- The petitioner, the petitioner's employee, or the respondent may file a written request to shield (to remove from public inspection) the court records relating to a Protective Order or a Peace Order if:
 - (1) the petition for a Protective Order or the petition for a Peace Order is denied or dismissed at the interim, temporary, or final hearing; or
 - (2) the respondent has consented to the entry of a Protective Order or a Peace Order.
- A request for shielding may not be filed earlier than three (3) years after the denial or dismissal of the petition or after the consent expires unless the requesting party files a General Waiver and Release form, (CC-DC-077), which is a release of all the requesting party'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.

FREQUENTLY ASKED QUESTIONS

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.

What happens if the court closes unexpectedly on the day your order expires? For Interim Protective or Peace Orders - the order is in effect until the next day the court is open. For Temporary Protective or Peace Orders - the order is in effect until the second day the court is open.

Appendix B

Enforcement Table for Violations of Protective and Peace Orders¹

**Police are REQUIRED to arrest with probable cause that:
a Peace or Protective Order was violated AND a crime was committed**

An "X" indicates that the Order CAN include the provision listed	Protective Order			Peace Order	Is Violation of this Provision a Crime? ²
The Court <u>may</u> order...	<u>Interim</u>	<u>Temp</u>	<u>Final</u>	<u>Any</u>	
Contact with VICTIM provisions:					
Do not contact, attempt to contact, or harass victim(s)	X	X	X	X	YES
Do not abuse or threaten to of abuse victim(s)	X	X	X		YES
Do not commit or threaten to commit a Specified Act ³ against victim(s)				X	YES
Stay Away from LOCATIONS provisions:					
Do not enter the residence ⁴ of victim(s)	X	X	X	X	YES
Stay away from the place of employment, school, or temporary residence of victim(s)	X	X	X	X	YES
Stay away from the residence of any family member of victim(s)	X	X	X		YES
Stay away from a child care provider caring for the victim's child		X	X		No
Disposition of HOME provisions:					
Order respondent to vacate a shared home immediately	X	X	X		YES
Award temporary use and possession of the home to the victim	X	X	X		YES ⁵
Award temporary use and possession of the home to an adult living in the home	X	X	X		YES ⁵
Disposition of FIREARMS provisions:					
Order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession		X	IN ALL FINAL ORDERS		YES
Order the respondent to refrain from possession of any firearm		X	IN ALL FINAL ORDERS		YES
Disposition of CHILDREN provisions:					
Award temporary custody of a minor child	X	X	X		No ⁶
Establish temporary visitation with a minor child			X		No
OTHER provisions:					
Award temporary possession of a pet	X	X	X		No
Award temporary use and possession of a joint vehicle			X		No
Order child support or family support			X		No
Direct participation in counseling			X	X	No
Order any other relief necessary to protect from abuse			X		No

NOTE: Violation of a Peace or Protective Order may result in punishment by a Court even if an officer cannot arrest for the violation.

¹ Out-of-State Peace and Protective orders are to be enforced to the same degree as a corresponding In-State Protective Order

² Crimes related to Violations of Peace Orders are found at [CJP 3-1508](#). Crimes related to Violations of Protective Orders are found at [FL 4-509](#).

³ Threatening or Committing any act that causes serious bodily harm or places the victim in fear of imminent serious harm. Also includes [specified crimes](#).

⁴ Residence includes the yard, grounds, outbuildings, and common areas surrounding the residence

⁵ Violation is a crime for Temporary and Final Protective orders only. This does not apply to Interim Protective Orders.

⁶ If an order awards temporary custody of a minor child, the commissioner or judge "may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent" after service of the order. While violation of the order is not a crime, a respondent who knowingly obstructs or hinders an officer in carrying out that duty may be criminally liable.