

Domestic Violence and Protective Orders

When instances or allegations of domestic violence arise, whether or not part of a separation or divorce, our attorneys mobilize to respond quickly and effectively. We work collaboratively with the firm's [Criminal Law](#) attorneys and leverage their experience with local judges and prosecutors, courtroom practices and procedures, and social services agencies to craft the best strategy for managing the impact of these issues.

In general, courts can issue a Domestic Violence Protective Order in cases of abuse that causes serious bodily harm or involves an act that places a person in fear of imminent serious bodily harm, assault, certain sexual offenses, false imprisonment and stalking.

Domestic violence protection is available to individuals who have certain relationships to one another, including:

- Current or former spouses
- Cohabitants
- Relatives by blood, marriage, or adoption
- Parent/child or stepparent/stepchild relationship

Since a Domestic Violence Protective Order is designed to provide immediate protection from abuse, the time frames for court action are greatly reduced. An alleged abuser may have practically no notice before being barred from entering the home of the alleged victim. A preliminary hearing typically occurs within days of filing a petition, and a final hearing occurs within weeks. Anyone in a situation involving abuse or responding to an allegation of abuse should seek competent legal counsel without delay.

Maryland

Maryland law defines domestic violence “abuse” as the occurrence of one or more of the following acts between “family or household members”:

- Assault
- An act that places a person in fear of imminent serious bodily harm
- An act that causes serious bodily harm
- Rape or sexual offense
- Attempt rape or sexual offense
- Stalking
- False imprisonment, such as interference with the freedom to leave one’s home, or kidnapping

Domestic Violence Protective Orders are civil orders issued by a judge that orders one person to refrain from committing certain acts against others.

The Domestic Violence Protective Order process is expedited. There are three different stages to that process:

Interim Protective Order: This can be issued only after business hours, by the Commissioner, and is generally only valid for 24 business hours.

Temporary Protective Order: This can be issued during business hours and is generally valid for seven days.

Final Protective Order: This can be issued seven days after a Temporary Protective Order, and can generally be in place for one year, and in certain circumstances two years or indefinitely.

Please note that the Interim Protective Order and Temporary Protective Order hearings mostly occur without notice to the alleged abuser and only with the person accusing present. The Final Protective Order hearing is a full trial, which takes place after the alleged abuser has received actual notice of the trial. A Final Protective Order can be granted after a trial with testimony and evidence, because a judge finds that abuse occurred, or by consent of both parties without a trial and without any findings of fact that abuse occurred.

A court can order a variety of relief when issuing a protective order. Relief may include that the alleged abuser:

- Refrain from further abuse or threats of abuse
- Refrain from contacting, attempting to contact, or harassing
- Refrain from entering the residence
- Vacate the home shared with the person eligible for relief
- Remain away from the place of employment, school, or temporary residence
- Remain away from the residence of any family member; remain away from the child care provider
- Surrender firearms
- Participate in a Child Protective Services investigation

Additionally, a judge may order the following other impactful relief:

- Temporary custody of minor children and visitation
- Emergency family maintenance (payment of money)
- Temporary use and possession of vehicle
- Temporary use and possession of the home
- Counseling
- Payment of costs

Individuals are eligible for a protective order if they and the alleged abuser:

- Are current or former spouses
- Have lived together in an intimate relationship for at least 90 days during the past year
- Are related by blood, marriage, or adoption

- Are in a parent-child, or stepparent-stepchild relationship and have resided together for at least 90 days during the past year
- Are in a caretaker-vulnerable adult relationship
- Are the parents of a child together
- Have had a sexual relationship within 1 year before the filing of the petition

Domestic violence litigation is not a substitute for divorce litigation. It is designed to protect victims of abuse, whether adults or children. However, a domestic violence finding may have a serious impact on existing or future litigation, especially relating to divorce and custody of children. It is critical that both the alleged victim and the alleged abuser take the process seriously and should have counsel to protect their respective interests.

Peace Orders

A Peace Order is available to anyone experiencing problems with an individual, including someone in a dating relationship, a neighbor, a stranger or anyone else. The peace order allows the petitioner to ask the Court for an order for the other person to stay away from them and refrain from having any contact.

Unlike protective orders, the nature of the relationship between the parties is not a factor. If an individual is entitled to relief in a protective order hearing, they are not entitled to seek relief under the Peace Order Act.

In an Interim or Temporary Peace Order, the judge can order that the abuser stop abusing you, and/or stay away from you and refrain from contacting you or harassing you at your home, school, job or the place where you may be staying.

In a Final Peace Order, a judge can order any of the above, and can also order counseling, order mediation and/or order the abuser to pay filing fees and court costs.

To consult with a member of our Family Law Team about issues related to Domestic Violence and Protective Orders in Maryland, [contact us](#).