

## Domestic Violence (Part 1): Can I Get a Protective Order?

Hi. I'm here to help you seek a protective order from domestic violence. The court issues these stay-away orders to keep people safe from domestic violence. It 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.

Let's get going.

### **FULL-SCREEN ROAD MAP**

Relationships that Qualify

Peace Orders

Abusive Behaviors

We'll start by reviewing the types of relationships that qualify for protective orders. We'll discuss peace orders, or what to do if your relationship with the other person doesn't qualify for a protective order. Finally, we'll define what constitutes abuse in protective order cases.

The protective order process can be a dangerous time for a victim of domestic violence. Stay alert and find help at [mdcourts.gov/dv](http://mdcourts.gov/dv).

Typically, protective order cases apply to people in domestic or family-like relationships, though there are exceptions. Let's look at those qualifying relationships now.

### **FULL-SCREEN CHAPTER HEADING: Relationships that Qualify**

You may ask for a protective order if you and the other person are married, divorced, or currently separated. You can also ask for a protective order if you're related by marriage, blood or adoption. Stepparents and stepchildren are also eligible.

If you and the other person have a child together, you may ask the court for a protective order. You may also ask for protection from a person with whom you have or have had a sexual relationship, if you have had sex with each other in the past year.

Now, for that qualifying non-family relationship. You may file for a protective order if your alleged abuser raped or attempted to rape you in the past six months. Other certain sexual offenses also qualify.

One final word about children and vulnerable adults who can't make their own decisions. Courts may grant protective orders to them, or to individuals filing on behalf of them. We don't cover those case types in this series. If you want more information on that, talk to a lawyer at the Maryland Court Help Center. The number to call is 410-260-1392.

Just because your relationship with the other person doesn't qualify for a protective order doesn't mean you can't ask for protection.

### **CHAPTER HEADING: Peace Orders**

A peace order is another way the court can protect you if your relationship doesn't qualify for a protective order. You may file for one if you are having problems with another person such as a neighbor or a stranger. Maybe you're having problems with someone with whom you have a non-sexual dating relationship. A peace order is similar to a protective order. In both, the court directs someone to stay away from you. If your relationship doesn't qualify for a protective order, our series won't help.

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Find information on peace orders online at the People’s Law Library. Visit [peoples-law.org/peace-orders](http://peoples-law.org/peace-orders). Or, talk to a lawyer. That number again is 410-260-1392.

Now, let’s talk about the types of abusive behaviors that may convince the court to grant a protective order.

### **CHAPTER HEADING:** Abusive Behaviors

Before the court can grant a protective order, you must prove that the other person committed an act of abuse. Legally speaking, abuse is anything that causes serious bodily harm. That may be kicking, punching, choking, or shoving. Abuse can also be threats that make you afraid of being harmed. The legal phrase is fear of imminent serious bodily harm. Let’s break that down. Did somebody make you afraid that immediate and serious harm will happen to you? If yes, then you are eligible to ask the court for a protective order. Abuse can also be an assault, or unwanted and offensive physical contact.

Abusive behaviors also include rape, attempted rape and other sexual offenses. If someone traps you in a place from which you cannot escape, it’s called false imprisonment. Did someone persistently pursue you knowing that it makes you fear for your safety? That’s stalking. Both of those are abusive acts that may result in the court granting a protective order.

Revenge porn is a form of abuse, too. Did someone share private nude or sexual images of you without your permission? Did they do it to harm, harass, intimidate, coerce or threaten you? If so, you may ask the court for a protective order.

It’s easy to get lost in legal terms and definitions. The most important thing to remember is that the court needs to hear details about the abuse. What specifically makes you want to get a protective order? Be precise about the acts committed against you. What part of the other person’s body touched what part of your body? Where exactly did an object strike you? Know dates, times, and places. Consider writing down the details before you file court papers or go to court.

### **CHAPTER HEADING:** Let’s Review

#### **FULL-SCREEN ROAD MAP**

Relationships that Qualify

What if My Relationship Doesn’t Qualify?

Abusive Behaviors

Relationships that qualify for a protective order include marriage, co-habitation and having a child in common. If you and the other person don’t have a qualifying relationship, ask the court for a peace order instead of a protective order. Finally, abusive behaviors like assault, stalking, and revenge porn may convince the court to grant a protective order.

Keeping people safe from domestic violence is important. If you are a victim, you are not alone. Find help at [mdcourts.gov/dv](http://mdcourts.gov/dv).

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