

Maryland Judge's Domestic Violence Resource Manual

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INTRODUCTION

Domestic violence can affect proceedings in all of Maryland's courts. It arises in various criminal contexts, ranging in seriousness from misdemeanor property offenses to murder. It can also be an important factor in civil proceedings, most notably in the area of domestic relations. In whatever context it occurs, domestic violence presents the court with unique concerns, the foremost of which is the safety of the litigants and court personnel. These heightened safety concerns arise from the intimate relationship between the perpetrator and the victim of domestic violence. This relationship increases the potential for danger in the following ways:

- A domestic violence perpetrator typically has unlimited access to the victim. The perpetrator and victim may live together, or have regular contact for purposes of exercising parental rights. If the perpetrator and victim are not living together, the perpetrator typically knows the victim's daily routine, or has ready access to information about the victim's whereabouts.
- Domestic violence perpetrators exercise a pattern of physical, social, psychological, and/or economic control over their intimate partners. Many abusers who perceive a loss of control over their partners will resort to physical violence to regain it. Accordingly, a court's intervention in abusive behavior may increase the risk of violence for everyone concerned with the case.
- Domestic violence typically occurs in the privacy of the home, where its only witnesses are under the control of the abuser. These circumstances often impede the court's fact-finding process, as well as a victim's ability to participate in it.

The Maryland Judge's Domestic Violence Resource Manual addresses only protective and peace orders. However, the reader should be aware of the far-reaching implications of intimate relationships in other areas of the law.

The Maryland Judiciary's newest tool in the fight against domestic violence is the Maryland Protective/Peace Order Application (MPPA). The MPPA allows users to view all protective and peace orders issued by any Maryland Court or District Court commissioner after July 1, 2008 and all active juvenile peace orders. Authorized users are able to view an entire order, see all of the terms of an order and print the order. The purpose of this portion of the Domestic Violence Central Repository (DVCR) is to prevent those seeking protective or peace orders from shopping for a better result in a different court. Because Circuit and District court have concurrent jurisdiction in domestic violence cases, this system, if used, will prevent conflicting orders. Conflicting orders raise problems for law enforcement agencies that must serve and enforce the orders.

1 JURISDICTION

1.1 Protective Order Requests

District and circuit courts have concurrent jurisdiction over proceedings for protection against domestic violence. The District Court has the powers of a court in equity in those proceedings. Md. Code CJ § 4-404.

1.2 Peace Order Requests

District Court has exclusive original jurisdiction over requests for peace orders if the respondent is *not* a child. Md. Code CJ § 3-1502(b)(2).

The circuit court sitting as a juvenile court has exclusive original jurisdiction over requests for peace orders if the respondent is a child. Md. Code CJ § 3-8A-03(a)(2).

1.3 Venue Considerations for Peace & Protective Orders

Note that venue for protective orders and peace orders are not as limited as it would be for the same act if charged as a crime. There is no authority preventing a court from entering a protective order just because the abuse did not occur in that jurisdiction. If there is a question about proper venue, it is advisable to hold the temporary hearing and then, if venue is not proper, transfer the case, rather than dismiss on the grounds of improper venue.

Table 1. Factors to Consider in Determining Proper Venue

Jurisdiction/Venue is Proper Where:	Authority
Respondent resides in, carries on regular business in, is employed in or habitually engages in a vocation in the jurisdiction.	Md. Code CJ § 6-201
Petitioner, but not the respondent, resides in the jurisdiction and: i. the action relates to custody, guardianship, maintenance of support of a child and the father, alleged father, mother or child resides in the county; OR ii. the action is for possession of real property in the jurisdiction.	Md. Code CJ § 6-202(5) or (7)
The court can have jurisdiction in a protective order hearing even if the act occurred outside the state. If the person eligible for relief is a resident of Maryland they can file in Maryland even if the abuse occurred outside the state	Md. Code FL § 4-504(a)(2)
Note: Under Maryland law, improper venue is a defense with duty of averment and burden of proof falling on respondent. Thus, the court can hold a temporary hearing and consider the issue of venue if and when the respondent raises it.	Odenton Development Co. v. Lamy, 320 Md. 33 (1990).

2 TYPES OF PROCEEDINGS

2.1 General

a) Protective Order Proceedings

Md. Code FL §§ 4-501 through 4-512 govern proceedings for protection against domestic violence.

A proceeding under Md. Code FL §§ 4-501 through 4-512 does not preclude any other legal remedy, except that a *person eligible for relief* (PEFR) under this statute is not, by definition, eligible for a peace order. Md. Code FL § 4-510.

b) Peace Order Proceedings

Md. Code CJ §§ 3-1501 through 3-1510 govern proceedings for peace order requests as to adult respondents.

Md. Code CJ §§ 3-8A-01 through 3-8A-34 govern proceedings for peace order requests as to minor respondents.

c) Other Relief from Domestic Violence

Victims of domestic violence may have other forms of redress available to them, *e.g.*, *Cote v. Cote*, 89 Md. App. 729, 733-34, 599 A.2d 869 (1992). Md. Code FL § 4-510(a).

d) Mutual Exclusivity of Peace and Protective Orders

Peace and protective orders are intended to be mutually exclusive, *i.e.*, if you are eligible for one, you are ineligible for the other. This means that, if you have the type of relationship with the respondent that makes you a PEFR, you cannot obtain a peace order. Md. Code FL § 4-510(b). Md. Code CJ § 3-1502(a). PEFRs who cannot prove the more serious type of abuse required for a protective order have been limited as they have been unable to seek protection from certain acts proscribed only by the peace order statute (harassment, trespass, malicious destruction of property).

e) What if Petitioner Files the Wrong Petition?

If, at the first hearing on a petition, the judge or commissioner realizes the petitioner has filed for the wrong type of relief, rather than deny the relief and require a new filing, the judge or commissioner may want to consider permitting the petitioner to amend their filing and correct the problem.

Table 2. Comparison of Protective Orders and Peace Orders

	PROTECTIVE ORDERS	PEACE ORDERS
Who Can Obtain Relief	<ul style="list-style-type: none"> ▪ Current or former spouse ▪ Cohabitant (sexual relationship & residency requirement) ▪ Related by blood, marriage, adoption. ▪ Parent, stepparent, child or stepchild (residence requirement) ▪ Vulnerable adult ▪ Child in common ▪ Individual who has had a sexual relationship with respondent within 1 year before the filing 	Anyone who does not qualify as a person eligible for relief under the protective order statute.
Proscribed Acts	<ul style="list-style-type: none"> ▪ Serious bodily harm ▪ Fear of imminent serious bodily harm ▪ Assault, any degree ▪ Rape or sexual offense ▪ False imprisonment ▪ Stalking ▪ Abuse of child ▪ Abuse of vulnerable adult 	<ul style="list-style-type: none"> ▪ Serious bodily harm ▪ Fear of imminent serious bodily harm ▪ Assault, any degree ▪ Rape or sexual offense ▪ False imprisonment ▪ Stalking ▪ Harassment ▪ Trespass ▪ Malicious destruction of property
Standard of Proof - FINAL	Preponderance of the evidence	Preponderance of evidence
Forms of Relief - FINAL	<ul style="list-style-type: none"> ▪ Refrain from proscribed acts ▪ No contact, harassing ▪ Stay away – residence ▪ Vacate home and temporary use and possession of home ▪ Stay away – job, school, shelter, temporary residence ▪ Counseling or DV Program ▪ Temporary use and possession of home – abuse of child or vulnerable adult ▪ Stay away – home of family member ▪ Stay away – child care ▪ Temporary custody ▪ Visitation ▪ Emergency family maintenance ▪ Temporary use and possession of a vehicle ▪ Surrender of firearms (Mandatory) ▪ Filing fees and costs (respondent only) ▪ Temporary possession of pet ▪ Any relief necessary to protect PEFR from abuse 	<ul style="list-style-type: none"> ▪ Refrain from proscribed acts ▪ No contact, harassing ▪ Stay away – residence ▪ Stay away – job, school, shelter, temporary residence ▪ Counseling or mediation ▪ Fees and costs (either party) * <p>*No Fees can be charged if the parties are intimate partners, if the State receives Violence Against Women Act funds, 42 U.S.C. § 3796gg-5(a)(1) and 42 U.S.C. § 3796hh(c)(4).</p>
Duration of Relief	<ul style="list-style-type: none"> ▪ Up to 12 months. ▪ Can be extended up to an additional 6 months. ▪ Up to 2 years for Subsequent Acts of Abuse ▪ Permanent 	<ul style="list-style-type: none"> ▪ 6 months. ▪ Can be extended up to an additional 6 months.

2.2 Protective Order Scope

a) Who Can Obtain Relief Via a Protective Order?

Protection from domestic violence under **Md. Code FL §§ 4-501 through 4-512** is available only to specified *persons eligible for relief (PEFRs)*. To be a PEFR, the individual must be:

- The current or former spouse of the respondent. **Md. Code FL § 4-501(m)(1)**.

There is no time limit or requirement that current or former spouses live together. A former spouse is eligible regardless of how long they have been separated or divorced and whether or not the spouse has remarried.

- A cohabitant of the respondent. **Md. Code FL §4-501(m)(2)**.

“Cohabitant” means an individual who has had a sexual relationship with the respondent and resided with the respondent in the home, as defined in **MD. Code FL § 4-501(j)**, for at least 90 days within 1 year before the filing of the petition. **Md. Code FL § 4-501(d)**.

Note: “Cohabitant” encompasses members of same-sex intimate partner relationships.

The 90-day requirement applies only to residency, not to the sexual relationship. The sexual relationship need not have occurred while the parties resided together. The sexual relationship could have been many years ago, and still an individual may qualify as a PEFR as long as the 90-day residency requirement is met.

The PEFR must prove the sexual relationship to qualify under this provision. The cohabitant and respondent can be of the same sex. The PEFR may have to admit to illegal acts to establish relief. See Md. Code CR § 10-501 (adultery); § 3-321 (sodomy); § 3-322 (unnatural or perverted sexual practice); *Schochet v. State*, 320 Md. 714, 580 A.2d 176 (1990) (The statute [formerly Article 27 § 554, now CR § 3-322] does not encompass private, consensual, and non-commercial heterosexual activity between adults in the privacy of the home.)

- A relative of the respondent by blood, marriage or adoption. **Md. Code FL §4-501(m)(3)**.

An individual qualifies as a PEFR with any degree of relationship by blood, marriage or adoption (e.g., second cousins, great aunts, brothers-in-law) without making any other showing. For example, the petitioner does *not* need to show they resided with the relative.

- 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. **Md. Code FL § 4-501(m)(4)**.

As long as relatives lived together when the alleged abuse occurred, they are household members eligible for relief under **Md. Code FL § 4-501(m)(4)**, whether or not they reside with the respondent at the time of the court action. *Kaufman v. Motley*, 119 Md. App. 623, 705 A.2d 330 (1998).

- A vulnerable adult. **Md. Code FL §4-501(m)(5).**

“Vulnerable adult” means an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.” **Md. Code FL § 14-101(q).**

- An individual who has a child in common with the respondent. **Md. Code FL § 4-501(m)(6).**

The “child” does not have to be a minor at the time the petition is filed. This provision also applies to couples with an adoptive child in common and stepparent adoptions.

OR

- An individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition. **Md. Code FL § 4-501(m)(7).**

b) Who Can File a Petition for a Protective Order?

The petitioner can be:

- The PEFR; or
- For a minor child or vulnerable adult:
 - The State’s Attorney for the county where the child or vulnerable adult lives or, if different, where the abuse is alleged to have taken place;
 - The department of social services of the jurisdiction where the child or vulnerable adult lives or the abuse is alleged to have taken place;
 - A relative by blood, marriage or adoption; or
 - An adult who resides in the home. **Md. Code FL § 4-501(o).**

Relief under the petition may be granted to PEFRs in addition to the PEFR who applied for relief. For example, a spouse who applies for protection can seek protection in the same order for all PEFRs, such as children, parents, or other relatives of the respondent. Upon a finding that a PEFR has been abused, the court may enter an order to protect **any** PEFR.

c) Proscribed Acts – Definition of Abuse

Under **Md. Code FL § 4-501(b)**, “abuse” is any of the following acts:

- An act that causes serious bodily harm.
- An act that places a PEFR in fear of imminent serious bodily harm.

Subjective Test. The test here is subjective, but the fear must be reasonable. The reasonableness of the fear must be viewed from the perspective of the particular victim. *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 775 A.2d 1249 (2001). (An individual previously abused may be sensitive to nonverbal signals [or code words] that has proved threatening in the past to that victim, but that would not be perceived as threatening by someone without the same experience).

One Threat Sufficient. One threat of violence is sufficient to find abuse based on fear of imminent bodily injury. *Olukoya v. Olukoya*, COSA No. 138. September Term 2002. Unreported. Opinion by Hollander, J. Filed May 24, 2004. (Only one witness, petitioner, testified at trial as to respondent's threat on her life; respondent denied making threat).

- Assault in any degree.

Abuse as an Assault in any Degree. The court found there was sufficient evidence of abuse as it found that an assault had occurred under **Md. Code FL § 4-501(b)(iii)** by respondent grabbing the minor child and pushing the child against a door and wall. *Massey v. Massey*, COSA No. 490, September Term 2002. Unreported. Opinion by Salmon, III, J. Filed February 13, 2003.

Abuse Plus Fear of Imminent Bodily Harm NOT Required. The law does not require a person requesting protection to prove assault in any degree *plus* fear of imminent harm. *Nikzad v. Kovats*, COSA No. 2446, September Term, 2002. Unreported. Opinion by Thieme, J. Filed November 12, 2003.

- Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308** or attempted rape or sexual offense in any degree.
- False imprisonment.
- Stalking under **Md. Code CR § 3-802**.

Stalking “means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1)(i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Md Code CR §§ 3-303 through 3-308 ... or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) or death; or (2) that a third person likely will suffer any of the acts listed in item (1) of this subsection.” **Md. Code CR § 3-802**.

If the person for whom relief is sought is a child, “abuse” may also include:

- Abuse of a child, as defined in **Md. Code FL § 5-701(b)**.

Md. Code FL § 5-701(b) defines **abuse of a child** as: “(1) 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; or (2) sexual abuse of a child, whether physical injuries are sustained or not.”

The protective order statute specifies that nothing in the statute shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

Neglect of Minor Child. Leaving a child unattended or inappropriately supervised does not qualify as abuse under the domestic violence statute. *Musser v. Christie*, 131 Md. App. 200, 748 A.2d 1027 (2000).

If the person for whom relief is sought is a vulnerable adult, “abuse” may also include:

- Abuse of a vulnerable adult, as defined in **Md. Code FL § 14-101(b)**.

Md. Code FL § 14-101(b) defines **abuse of a vulnerable adult** as: “the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.”

A **vulnerable adult** is defined as “an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.” **Md. Code FL § 14-101(q)**.

Other case law has helped to define what does or does not constitute abuse.

Respondent in Driveway Not Abuse. Respondent being in driveway of the petitioner during petitioner’s visitation with children does not constitute abuse absent threats of violence or fear of violence. *Piper v. Layman*, 125 Md. App. 745, 726 A.2d 887 (1999).

Motor Vehicle Collision. Respondent hitting petitioner’s car with his own does not constitute abuse absent a showing of intent to collide with petitioner; reckless endangerment does not constitute abuse. *Barton v. Hirshberg*, 137 Md. App. 1, 767 A.2d 874 (2001).

2.3 Peace Order Scope

a) Who Can File a Petition for a Peace Order?

Anyone who does not qualify for relief under the protective order statute, and who can establish that the respondent engaged in the acts listed in **Md. Code CJ § 3-1503(a)** can file a petition for a peace order against an **adult respondent**.

b) Who Can Obtain Relief Via a Peace Order?

A victim does not have to establish that they have a relationship of any type with an **adult respondent** in order to obtain a peace order. The victim need show only that the respondent engaged in certain types of acts within 30 days before the filing of the petition. **Md. Code CJ § 3-1503(a)**. Peace order relief is also available to an individual who has been subjected to proscribed acts by a neighbor, an acquaintance, or any other individual, as long as the relationship does not make them a PEFR under the protective order statute.

Unlike a protective order proceeding in which relief may be granted to a petitioner and any PEFR, a peace order petitioner may obtain relief for himself or herself only.

c) Who Can File a Request for a Juvenile Peace Order?

If the **respondent is a juvenile**, the victim may file a complaint against the minor child with DJS. The DJS intake officer may within 25 days after receiving the complaint, is to authorize the filing of a petition or peace order request, propose an informal adjustment of the matter, or refuse authorization to file a petition or peace order request. **Md. Code CJ § 3-8A-10(b)(3)**. If the intake officer refuses to file a petition or request based on an allegation of a felonious act, conduct or violation of CR § 4-203 or § 4-204, the complaint then is forwarded to the State’s Attorney who within 30 days after receiving the complaint, unless the court extends the time, may file a petition or peace order request, refer the complaint for informal disposition, or dismiss the complaint. Only a DJS intake officer or the State’s Attorney may file a request for peace order against a minor child. **Md. Code CJ § 3-8A-19.1(b)**.

d) Proscribed Acts

A victim may request a peace order if the respondent committed any of the following acts *within 30 days* before the filing of the petition (adult) or complaint (juvenile). **Md. Code CJ §§ 3-1503(a) and 3-8A-19.1(b):**

- An act that causes serious bodily harm.
- An act that places the petitioner in fear of imminent serious bodily harm.
- Assault in any degree.
- Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308** or attempted rape or sexual offense in any degree.
- False imprisonment.
- Harassment under **Md. Code CR § 3-803.**

Harassment. “A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other: (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose.” **Md. Code CR § 3-803.**

- Stalking under **Md. Code CR § 3-802.**

Stalking “means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1)(i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Md Code §§ 3-303 through 3-308 ... or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) or death; or (2) that a third person likely will suffer any of the acts listed in item (1) of this subsection.” **Md. Code CR § 3-802.**

- Trespass under **Md. Code CR §§ 6-401 through 6-410.**
- Malicious destruction of property under **Md. Code CR § 6-301.**

3 PROTECTIVE ORDER PROCEEDINGS

3.1 Preliminary Considerations

a) Disclosure of Address

Under **Md. Code FL § 4-504(b)(2)**, the court must be cautious about keeping any documentation on the address of the PEFr or shelter in the court file, even if placed under seal. Upon the petitioner’s request, the court may/should omit that address from all documents filed with a commissioner or filed with, or transferred to, a court. The statute provides that if disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and *in camera* and may not be disclosed to the respondent.

The issue of providing required notice to the petitioner may be resolved by asking the petitioner for a “mailing address” that will not jeopardize the PEFR’s safety. It also should be noted that the Family Law article provides an Address Confidentiality Program for victims of domestic violence. **Md. Code FL §§ 4-519 through 4-530.**

b) Costs

The petitioner may not be required to pay a filing fee or costs for the issuance or service of an interim, temporary, or final protective order, or for the issuance or service of a witness subpoena. **Md. Code FL § 4-504(c).**

Filing fees and costs *may* be assessed against a respondent, as part of a final protective order. **Md. Code FL § 4-506(d)(12).**

POLICY STATEMENT. The Conference of Circuit Judges and the Chief Judge of the District Court enunciated, for their respective courts, a policy not to assess such costs against respondents, as the limited resources of many respondents are needed for emergency family maintenance and as collection efforts are often futile. However, the court may need to assess costs if the respondent is to be served outside Maryland and the law enforcement agency effecting service will not waive costs.

c) The Petition

The petition for protection must be under oath and must include the nature and extent of the abuse for which relief is being sought including information about: previous abuse by the respondent; previous court action(s) between the parties; pending court action(s) between the parties; the whereabouts of the respondent, if known; if financial relief is requested, information about the respondent’s financial resources, if known; in a case alleging child abuse or abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and information relating to that abuse. **Md. Code FL § 4-504(b).**

d) Venue and Transfer

District Court cases transferred to circuit court. After entering a temporary protective order, the District Court, on a motion or its own initiative, may transfer the action to the circuit court for the final protective order hearing if, after inquiry, the District Court finds the following. There is an action in the circuit court involving one or more of the parties in which there is an existing order or request for relief similar to that being sought in the District Court and it is in the interests of justice that the case be heard in the circuit court. In evaluating whether it is “in the interests of justice” the District Court must consider: 1) the safety of the PEFRs; 2) the convenience of the respondent and PEFR(s) (not State’s attorney or Department of Social Services); 3) the pendency of other actions involving the parties or their children; 4) undue delay that would result; 5) the services that may be available in each court; and 6) the efficient operation of the courts. **Md. Rule 3-326(c)(1) & (2).**

POLICY STATEMENT. It is recommended that commissioners and Circuit and District Court Clerk’s Offices search the Maryland Protective/Peace order Application for any cases that have been filed previously or are pending currently between the respondent and PEFR(s).

This is to prevent conflicting orders. Many petitioners may have difficulty properly noting any past or pending cases. This information should be provided to the judge at the time the temporary protective order hearing is held.

Md Rule 3-326 was intended to permit district court to transfer cases to the circuit court where there were other matters, such as divorce or custody actions or a competing protective order proceeding, are pending in the circuit court. In such instances, it may make sense to permit the court that is hearing other family issues to make decisions regarding the protection of the PEFR(s), within the context of the other issues before the court. It also is intended to permit the Circuit and District Court to consolidate mutual petitions for protection.

Circuit court cases transferred to District Court. After entering a temporary protective order, a circuit court, on motion or its own initiative likewise may transfer the action to the District Court for the final protective order if there is no other action between the respondent and PEFR(s) in the circuit court, the respondent has sought protective order relief in the District Court, and it is in the interests of justice. In evaluating whether it is “in the interests of justice” the circuit court must consider: 1) the safety of the PEFRs; 2) the convenience of the respondent and PEFR(s); 3) the pendency of other actions involving the respondent and PEFR(s) or their children; 4) undue delay that could result; 5) the services that may be available in each court; and 6) the efficient operation of the courts. **Md. Rule 2-327(a)(3).**

POLICY STATEMENT. It is recommended that Family Division, Family Services Program or Clerk’s Office staff search the Maryland Protective/Peace Order Application for any cases that have been filed previously or are pending currently between the respondent and PEFR(s). This is to prevent conflicting orders. Many petitioners may have difficulty properly noting any past or pending cases. This information should be provided to the judge at the time the temporary protective order hearing is held.

Md. Rule 2-327 was intended to permit the circuit court to transfer cases to the District Court where a competing protective order proceeding is pending in the District Court. In such instances, it may make sense to consolidate mutual petitions for protection.

e) Summary of the Protective Order Process

Once a petition for protection from domestic violence is filed, the process generally involves 2 or 3 proceedings.

STEP 1 – Petition Filed. The PEFR, State’s Attorney or DSS files a petition for protection with any of the following: 1) a circuit court Clerk’s Office; 2) a District Court Clerk’s Office; OR; (3) a District Court commissioner when the circuit court clerk’s office or District Court clerk’s office are closed.

STEP 2 – Interim Protective Order Hearing. *This step applies only if the petition was filed with a District Court commissioner.* The District Court commissioner conducts an immediate interim protective order hearing which may be *ex parte*. The commissioner takes testimony from the petitioner to determine whether there are reasonable grounds to believe that the respondent has abused the PEFR(s). If so, the commissioner issues an interim protective order. The order must specify the date and time of the temporary protective order hearing and the final protective order hearing to follow, along with other required notices. The interim order is

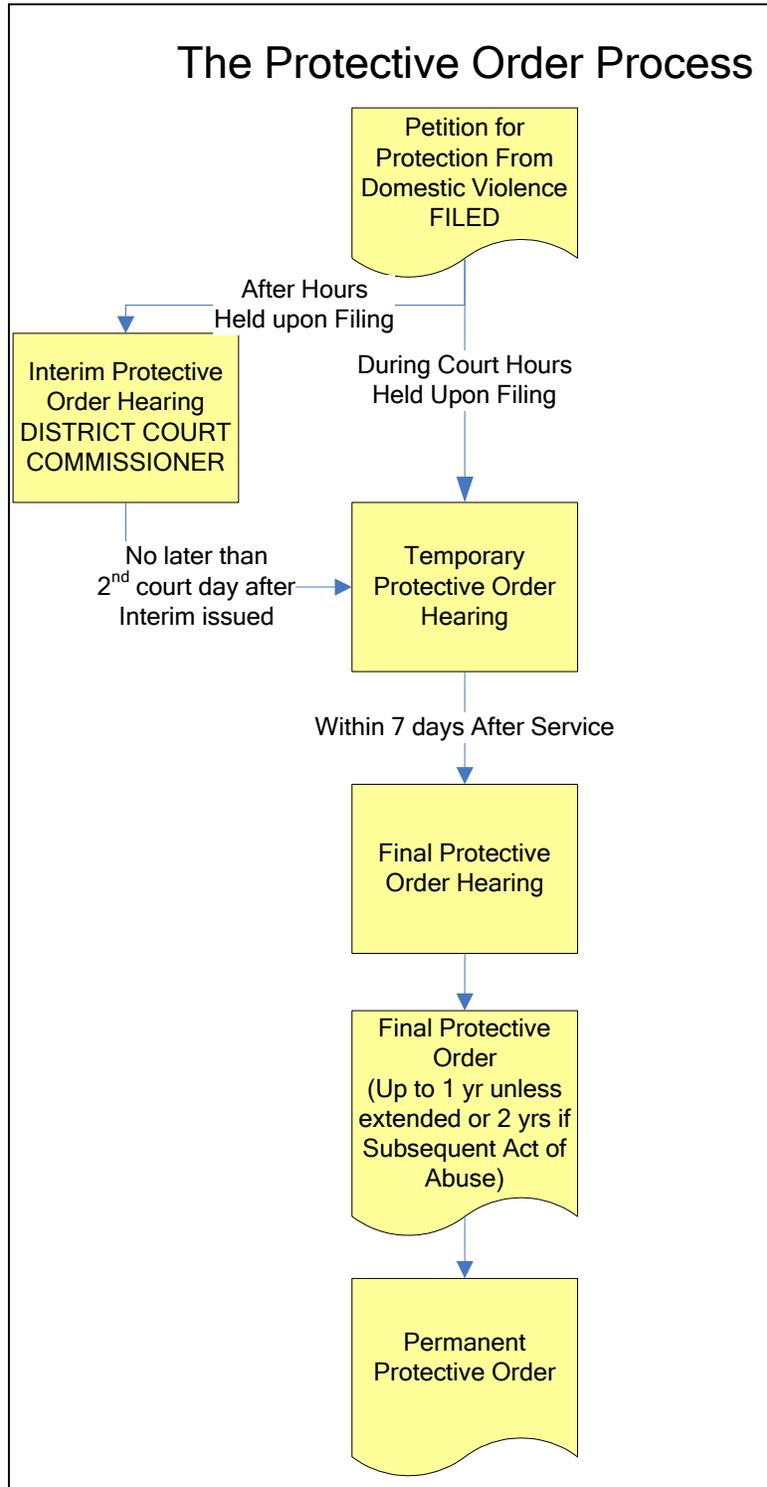
effective until the first of two events, whichever is earlier: i) the temporary protective order hearing; or ii) the close of the second business day the District Court Clerk's Office is open following the issuance of the order. An interim order may not be extended. **Note- If the court is closed on the day on which the interim protective order is set to expire, the interim order shall be effective until the next day on which the court is open.**

STEP 3 – Temporary Protective Order Hearing. If an interim protective order was issued, the temporary protective order hearing will be scheduled no later than the second business day that the District Court is open after the interim order was issued. If the petitioner files for protection in the District Court or a circuit court during regular court hours, then the temporary protective order hearing is held that same day. The court takes testimony from the petitioner to determine whether there are reasonable grounds to believe that the respondent has abused the PEFR. If so, the court issues a temporary protective order. The order must state the date and time of the final protective order hearing. The temporary order is effective for not more than 7 days after service of the order. The judge can extend this up to 6 months, to effectuate service or for other good cause.

Normally, the temporary protective order hearing is conducted *ex parte*, with only the petitioner appearing before the court. The court can proceed with a final protective order hearing on the same day in some circumstances when both parties appear and expressly consent to waive the temporary protective order hearing. **Note- If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.**

STEP 4 – Final Protective Order Hearing. If the respondent has been served, or the court otherwise has proper personal jurisdiction over the respondent, the court may proceed on the scheduled day to hold the final protective order hearing. The court conducts a hearing, permitting both sides to present evidence and call witnesses. If the judge finds by a preponderance of the evidence that that alleged abuse has occurred, or the respondent consents to the entry of a protective order, the judge may issue a final protective order. The order may be for up to 1 year or 2 years if: (i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief for an act of abuse committed within 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 (ii) the prior final protective order was issued for a period of at least 6 months. **Md. Code FL § 4-506(j)**

Figure 1. Flowchart of the Protective Order Process



3.2 Interim Protective Order

a) When Can a Petitioner Obtain an Interim Protective Order?

A petition for protection can be filed with a District Court commissioner only during those times when neither the circuit court Clerk's Office nor the District Court Clerk's Office is open. **Md. Code FL § 4-504.1(a)**. Only a commissioner can issue an interim protective order. When the clerk's office is open the petitioner may file the petition in either the circuit or District Court and proceed directly to a temporary protective order hearing. The purpose of the interim protective order is to ensure that victims can obtain protection 24 hours a day, 7 days a week.

b) When the Respondent or Petitioner is a Minor

Although the law provides that a victim can file for a protective order against a minor respondent, the District Court has adopted a policy that commissioners will not hear cases that involve a minor respondent. Commissioners will hear a case involving a minor petitioner, if the minor has an adult, social service personnel or State's Attorney filing on his or her behalf. **Md. Code FL § 4-501(o)**. In practice this means that cases involving either a minor petitioner or a minor respondent must be filed during hours that the clerk's office ~~court~~ is open (or referred to DSS).

c) The Interim Protective Order Hearing

The interim protective order hearing is a proceeding conducted by a commissioner upon filing of a petition for protection from domestic violence. It may be *ex parte*.

Although **Md. Rule 1-351** generally requires notice to all other parties before a request for an *ex parte* order can be granted, there is an exception when an *ex parte* application is expressly provided for by statute, as it is for protection against domestic violence.

If there are conflicting petitions for protection, both should be heard.

d) Standard of Proof

If the commissioner finds that there are "reasonable grounds" to believe the respondent has abused the PEFr(s), the commissioner may grant an interim protective order.

This is not a preponderance of the evidence standard; it is akin to probable cause. See Reisterstown Lumber Co. v. Royer, 91 Md. App. 746, 605 A.2d 980, cert. denied, 327 Md. 626, 612 A.2d 257 (1992).

e) Evidence

Evidence of past abuse is relevant and admissible. *Coburn v. Coburn*, 342 Md. 244, 674 A.2d 951 (1996). **Md. Code FL § 4-504(b)(1)(ii)(1)** specifically asks the petitioner to disclose on the petition information known about injuries from past abuse. *Coburn, supra*, 342 Md. at 261, but "[f]ailure to list every allegation of past abuse will not prevent such evidence from being admitted." *Id.* To provide appropriate and adequate relief, a court may need to know the history of abuse, if any.

f) Contents of Interim Protective Order

Md. Code FL § 4-504.1(e) specifies the contents of the order. The interim protective order must state:

- The type(s) and duration of relief being granted;
- The date, time, and location for the temporary protective order hearing;
- The tentative date, time and location for a final protective order hearing;
- Certain required notices to the petitioner and respondent;
- The phone number of the District Court Clerk's office.

Forms of Relief. The interim protective order may include any of the following types of relief as provided in Md. Code FL § 4-504.1(c):

- **Refrain from abuse.** Order the respondent to refrain from further abuse or threats of abuse of a PEFR.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing a PEFR.
- **Stay away – residence.** Order the respondent to refrain from entering the residence of a PEFR.

Residence. "Residence" is defined to include the yard, grounds, out-buildings and commons surrounding the residence. Md. Code FL § 4-501(p). Therefore, protection under the order does not start or stop at the door but, rather, extends throughout the curtilage.

- **Vacate the home, custody of a child, and temporary use and possession.** If a PEFR and respondent reside together: (i) order the respondent to vacate the home immediately; (ii) award to a PEFR custody of any child of the PEFR and respondent then residing in the home; (iii) subject to the limits as to a nonspouse specified in Md. Code FL § 4-505(a)(2)(iv), award temporary use and possession of the home to the PEFR or adult for a child or vulnerable adult.

Home. "Home" is defined as "the principal residence" in Maryland of a PEFR, "owned, rented, or leased" by the PEFR, respondent. Or vulnerable adult. Md. Code FL § 4-501(j).

Reside Together. The "residing together" must be at the time of the alleged abuse, but need not continue at the time of the filing of the petition or at the time that the interim protective order is under consideration. The alleged abuse may have taken place weeks or months before the petition is presented to court. Thus, a PEFR who moved from the home and who, 6 months later, files a petition alleging abuse 7 months before, would be eligible for consideration for a temporary use and possession order.

Limits as to a Nonspouse. The court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse PEFR unless the name of the PEFR appears on the lease or deed to the home or the PEFR has resided in the home with the respondent for a period of at least 90 days within 1 year before filing the petition. Md. Code FL § 4-505(a)(2)(iv).

- **Temporary custody – abuse of a child.** In a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a PEFR.

Custody of minor child. If the commissioner awards temporary custody of a minor child under subsection c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent at the time of service or as soon as possible after Entry of service of the interim protective order. **Md. Code FL § 4-504.1(d).**

- **Temporary use and possession of home – vulnerable adult.** In a case alleging abuse of a vulnerable adult, subject to the limits of a nonspouse specified in **Md. Code FL § 4-505(a)(2)(iv)**, award temporary use and possession of the home to an adult living in the house.

See comment above regarding limits as to a nonspouse.

- **Stay away – job, school, shelter.** Order the respondent to remain away from the place of employment, school or temporary residence of a PEFR;
- **Stay away – residence of family member.** Order the respondent to remain away from the residence (See 3.3(f)) of any family member of a PEFR.
- **Possession of Pet.** Award possession of any pet of the person eligible for relief or the respondent.

Duration of Order. An interim protective order is intended to be a very short remedy, of sufficient duration only until a judge can hold a temporary protective order hearing. The interim protective order is effective until the first of two events happens, whichever is earlier: 1) the temporary protective order hearing; or 2) the end of the second business day the District Court Clerk’s Office is open following the issuance of the interim order. **Md. Code FL §4-504.1(h).** **Note - If the court is closed on the day on which the interim protective order is set to expire, the interim order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary protective order hearing.**

The temporary protective order hearing must be held no later than the 2nd day the District Court is open after the interim order is issued, unless the judge continues the hearing for good cause. **Md. Code FL § 4-504.1(e)(1)(ii).**

Required Notice. Certain notices are required in each interim protective order. **Md. Code FL §§ 4-504.1(e) and 4-508.** These must be stated in at least 10-point type and include the following:

- Notice to the respondent that the respondent must give the court written notice of each change of address.

- Notice to the respondent that, if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first-class mail at the respondent's last known address.
- Notice to the respondent that, if the respondent does not attend the temporary protective order hearing, the respondent may call the District Court Clerk's office at the number provided to find out the actual date, time and location of any final protective order hearing.
- A statement of all possible forms and duration of relief that a temporary or final protective order may contain.
- Notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court.
- A warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order.
- A statement that a violation of the order may result in criminal prosecution and imprisonment or fine or both.

g) Subsequent Duties of Commissioner

Whenever the commissioner issues an interim protective order, the commissioner must send a copy immediately to the appropriate law enforcement agency for service on the respondent and transfer the case file and the return of service, if any, to the District Court Clerk's office before the next hearing. **Md. Code FL § 4-504.1(f).**

h) Service

The law enforcement agency executing service will vary from jurisdiction to jurisdiction (Appendix A). **Md. Code FL § 4-504.1(g)** requires the law enforcement officer to serve the petition and interim order on the respondent immediately upon receiving the documents. The officer likewise is required immediately to file a return of service with the commissioner or, during normal court hours, with the District Court Clerk's office. Within two hours after service the officer is to electronically notify the Department of Public Safety and Correctional Services of the service.

Note: That the petitioner cannot be charged for service of the interim order. **Md. Code FL § 4-504(c).**

On occasion the interim protective order must be served outside Maryland, which has proven difficult because of problems in identifying the appropriate law enforcement agency and questions as to payment of costs for service. Local administrative office of the courts

(Appendix B) or domestic violence programs (Appendix C) may be able to help in identifying the appropriate agency.

i) Entry in and Access to METERS

The clerks of the courts and local law enforcement agencies are responsible for entry of civil protective orders, including interim protective orders, in the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and subsequent maintenance and prompt validation in accordance with procedures adopted by the Maryland State Police. **Md. Code P. S. § 2-305(c)(2).**

Note: One of the outputs of the Domestic Violence Central Repository (DVCR) is sending order information to the Maryland State Police new METERS system over a direct link.

A commissioner may access the METERS system to determine the status of outstanding civil protective orders issued by a Maryland court or by a court of another state, commonwealth, Indian Tribe, etc. **Md. Code P. S. § 2-305(d).**

3.3 Temporary Protective Order

a) Impact of Prior Interim Protective Order

Where a commissioner issues an interim protective order, the commissioner must schedule the temporary protective order hearing before the District Court no later than the 2nd day the District Court is in session after the order was issued.

If no interim protective order was sought, then the temporary protective order hearing is held as soon as possible on the day the petition is filed during normal court hours.

A decision of a commissioner to grant or deny an interim protective order is not binding on any judge. **Md. Code FL § 4-504.1(i).**

b) The Temporary Protective Order Hearing

The temporary protective order hearing is a proceeding, often heard *ex parte*, conducted by a judge upon filing of a petition for protection from domestic violence, or after an interim protective order has been granted. The petition is emergency in nature, and clerks are instructed to bring a petition to the attention of a judge as soon as possible, with the expectation that the judge will hear the matter in an expeditious manner.

Although **Md. Rule 1-351** generally requires notice to all other parties before a request for an *ex parte* order can be granted, there is an exception when an *ex parte* application is expressly provided for by statute, as it is for protection against domestic violence. **Md. Code FL §4-505(a)(1).**

If there are conflicting petitions for protection, both should be heard.

The temporary protective order hearing must be on the record. This is because inquiry of the petitioner under oath needs to be made to determine eligibility for the temporary protective order.

Note: Md. Code FL §4-505(d). The circumstances under which the judge may proceed with a final protective order hearing instead of a temporary hearing, (1)(i)the respondent appears at the hearing; (ii)the respondent has been served with an interim protective order; or (iii) the court otherwise has personal jurisdiction over the respondent; and (2) **the petitioner and the respondent expressly consent to waive the temporary protective order hearing.** No one, including the court should pressure the parties to go forward with a final hearing. Through the Special Project Grant Program, the Judiciary has made available to petitioners in every county and in the City of Baltimore programs to provide no cost representation in final protective order hearings. Parties must be given the opportunity to seek counsel.

c) Standard of Proof

If the judge finds that there are “reasonable grounds” to believe the respondent has abused the PEFR, the judge may grant a temporary protective order.

This is not a preponderance of the evidence standard; it is akin to probable cause. See Reisterstown Lumber Co. v. Royer, 91 Md. App. 746, 605 A.2d 980, cert.denied, 327 Md. 626, 612 A.2d 257 (1992).

d) Evidence

Evidence of past abuse is relevant and admissible, *Coburn v. Coburn*, 342 MD. 244, 674 A.2d 951 (1996). **Md. Code FL § 4-504(b)(1)(ii) 1** specifically asks the petitioner to disclose on the petition information known about injuries from past abuse. *Coburn, supra*, 342 Md. at 261, but “[f]ailure to list every allegation of past abuse will not prevent such evidence from being admitted.” *Id.* To provide appropriate and adequate relief, a court may need to know the history of abuse, if any.

e) Contents of the Temporary Protective Order

Md. Code FL §§ 4-505 and 4-506(b) specify the contents of the order. The temporary protective order must include:

- The type(s) and duration of relief being granted.
- The date, time and location of the final protective order hearing.
- Notices required by federal and state law.

Forms of Relief. The temporary protective order may include any of the following types of relief as specified in **Md. Code FL § 4-505(a)**:

- **No further abuse.** Order the respondent to refrain from further abuse or threats of abuse of a PEFR.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing a PEFR.

- **Stay away – residence.** Order the respondent to refrain from entering the residence of a PEFR.

Residence. “Residence” is defined to include the yard, grounds, out-buildings and commons surrounding the residence. **Md. Code FL § 4-501(p).** Therefore, protection under the order does not start or stop at the door but, rather, extends throughout the curtilage.

- **Vacate the home and temporary use and possession.** If a PEFR and respondent reside together, order the respondent to vacate the home immediately and award temporary use and possession of the home to the PEFR or an adult living in the home.

Home. “Home” is defined as “the principal residence” in Maryland of a PEFR, “owned, rented, or leased” by the PEFR, respondent, or adult for a child or vulnerable adult. **Md. Code FL § 4-501(j).**

Reside Together. The “residing together” need only be at the time of the alleged abuse, but need not continue at the time of the filing of the petition or at the time that the temporary protective order is under consideration. The alleged abuse may have taken place weeks or months before the petition is presented to court. Thus, a PEFR who moved from the home and who, 6 months later, files a petition alleging abuse 7 months before, would be eligible for consideration for a temporary use and possession order.

Factors to Consider in Granting a Vacate Order. The statute provides special guidance on vacate orders, specifying the factors to be considered: (1) the housing needs of any minor child living in the home; (2) the duration of the relationship between the respondent and PEFR; (3) title to the home; (4) pendency and type of criminal charges against the respondent; (5) the history and severity of abuse in the relationship between the respondent and PEFR; (6) the existence of alternative housing for the respondent and any PEFR; and (7) the financial resources of the respondent and the PEFR. **Md. Code FL § 4-506(h).**

Limits as to a Nonspouse. The court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse PEFR unless the name of the PEFR appears on the lease or deed to the home or the PEFR has resided in the home with the respondent for a period of at least 90 days within 1 year before filing the petition. **Md. Code FL § 4-505(a)(2)(iv).**

- **Temporary Use and Possession of a Home – abuse of child or vulnerable adult.** In a case alleging abuse of a child or abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in **Md. Code FL § 4-505(a)(2)(iv)**, the court may award temporary use and possession of the home to an adult living in the home.

Home. Here also home is defined as the principal residence of a PEFR, “owned, rented or leased” by a PEFR, respondent, or an adult living in the home or adult for a child or vulnerable adult. **Md. Code FL § 4-501(j).**

Use and Possession on Behalf of Child or Vulnerable Adult. The adult awarded use and possession on behalf of the child or vulnerable adult must be actually living in the home at the time of the temporary protective order hearing. **Md. Code FL § 4-501(j)(2)**

Limits as to a Nonspouse. See limits as to non-spouses, discussed above. Md Code FL § 4-505(a)(2)(iv).

- **Stay away – job, school, shelter.** Order the respondent to remain away from the place of employment, school or temporary residence of a PEFR.
- **Stay away – home of family member.** Order the respondent to remain away from the home of any family member of a PEFR.
- **Stay away – childcare.** Order the respondent to remain away from a childcare provider of a PEFR while a child of the PEFR is in the care of the provider.
- **Possession of Pet.** Award possession of any pet of the person eligible for relief or the respondent.
- **Temporary custody.** Award temporary custody of a minor child of the PEFR and the respondent.
- **Surrender of Firearms.** May order the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession for the duration of the temporary protective order if the abuse consisted of:
 1. The use of a firearm by the respondent against a person eligible for relief;
 2. A threat by the respondent to use a firearm against a person eligible for relief;
 3. Serious bodily harm to a person eligible for relief caused by the respondent; or
 4. A threat by the respondent to cause serious bodily harm to a person eligible for relief Md Code FL § 4-505(a)(2)(VIII).

Firearm Possession a Federal Crime. Federal law provides that a respondent subject to a properly executed order of protection may not obtain, possess, or transport a firearm or ammunition for the duration of the qualifying protective order. **18 U.S.C. § 922(g).** It is advisable to take testimony from the parties about firearms that may be in the possession of the respondents, and to order the surrender of any and all such firearms.

Refusal to Surrender Firearms if Ordered is a Misdemeanor. Refusal to surrender firearms, if ordered pursuant to Md Code FL § 4-505(a)(2)(VIII) is a misdemeanor and shall result in an immediate arrest by law enforcement, with or without a warrant. **Md. Code FL § 4-509.** Ordering the respondent to surrender firearms permits local law enforcement officials to enforce the federal firearms provisions without requiring the intervention of the U.S. Attorney.

Specify the Law Enforcement Agency. If surrender of firearms is ordered, the order should identify the specific law enforcement agency that is to receive the firearms, and a copy of the order should be provided to that agency immediately.

In addition to these forms of relief the court also should consider ordering the following:

- **Retrieval of Personal Effects.** An order shall state expressly how a respondent is to arrange to return home once, to retrieve clothing and other personal effects. The order shall require that a respondent be accompanied by a law enforcement officer.

Duration of the Order. The temporary protective order is effective for not more than 7 days after service of the order. The judge may extend the temporary protective order as needed for service or good cause, up to a total of 6 months. **Md. Code FL § 4-505(c).**

Note- If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.

Required Notice. Certain notices are required in each temporary protective order. **Md. Code FL §§ 4-506(b)(2) and 4-508.** These must be stated in at least 10-point type. Additional notices are required by the Violence Against Women’s Act full faith and credit provision, **18 U.S.C. § 2265**, to ensure that Maryland orders are enforceable in other states. Required notices include the following:

- Notice to the respondent that the respondent must give the court written notice of any change of address.
- Notice to the respondent that if the respondent fails to appear at the final protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first-class mail at the respondent’s last known address.
- A statement of all possible forms and duration of relief that a final protective order may contain.
- Notice to the respondent that the final protective order shall be effective for the period stated in the order, not to exceed 1 year or, under the circumstances described in subsection (i)(2) of this section, 2 years, unless the judge extends the term of the order under § 4-507(a)(2) of this subtitle or the court issues a permanent order.
- A statement that a violation of the order may result in criminal prosecution and imprisonment or fine or both.
- A statement that a violation of the order may result in a finding of contempt.
- A statement that the respondent will be given notice and an opportunity to be heard within a reasonable time, consistent with the requirements of due process, and that the court had personal and subject matter jurisdiction to issue the order.

- In the case that mutual orders were issued, that both orders were based on a cross or counter petition, complaint or other written pleading and that the court made specific findings that each party was entitled to such an order.

POLICY STATEMENT. The form temporary protective order developed by the Judiciary has been designed to satisfy these notice requirements and other content requirements. If, in an extraordinary instance the form order is not used, judges must ensure that the order satisfies the notice and content requirements.

f) Investigations

When the judge finds reasonable grounds to believe that the respondent has abused a child or vulnerable adult, the judge **must** forward to the local department of social services a copy of the petition and temporary protective order. **Md. Code FL § 4-505(e).**

When the local department receives the petition and temporary order the department must investigate the alleged abuse as provided in **Title 5, Subtitle 7** or **Title 14, Subtitle 3** of the **FL**. The department then is required to send a copy of the report of the investigation to the court by the date of the final protective order hearing.

Child Abuse Investigations. Md. Code FL Title 5, Subtitle 7 provides for child abuse and neglect investigations.

Abuse of a Vulnerable Adult. Md. Code Title 14, Subtitle 3 provides for investigations of an alleged vulnerable adult.

Practice Tip. Effective January 1, 2016, Md. Rule (of Evidence) 5-803 was amended to create a hearsay exception in Final Protective Order hearings for DSS Reports that are ordered pursuant to a temporary Protective Order.

Md. Rule 5-803

(8) *Public Records and Reports.*

(A) Except as otherwise provided in this paragraph, a memorandum, report, record, statement, or data compilation made by a public agency setting forth...

(iv) in a final protective order hearing conducted pursuant to Code, Family Law Article, § 4-506, factual findings reported to a court pursuant to Code, Family Law Article, § 4-505, provided that the parties have had a fair opportunity to review the report.

g) Service

The law enforcement agency executing service will vary from jurisdiction to jurisdiction. (Appendix A) **Md. Code FL § 4-505(b)** requires the law enforcement officer to serve the temporary protective order on the respondent immediately upon issuance; and within 2 hours after service on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service. A respondent who has been served with an interim protective order can be served the temporary protective order in open court or, if not present, by first-class mail at the respondent's last known address.

Note: That the petitioner cannot be charged a filing fee or costs and cannot be required to pay the costs for the issuance or service of an interim protective order, temporary protective

order, final protective order, or witness subpoena. **Md. Code FL §§ 4-504(c) and 4-505(b)(3).**

The federal Violence Against Women Act (VAWA) also prohibits courts from charging the petitioner court costs or service fees. **42 U.S.C. §§ 3796gg-5(a)(1) and 3796hh(c)(4).**

h) Waiver of Petitioner's Presence

Maryland Rules of Procedure 9-306 dictate the rules for waiver of the petitioner's presence at a final protective order hearing if the respondent has yet to be served. The rule applies when:

1. The court has entered a temporary protective order.
2. The court has scheduled a hearing to consider a final protective order.
3. The Respondent does not appear at the hearing due to lack of service of the temporary protective order and notice of the hearing.
4. The court extends the temporary protective order pending service on the respondent.

To be eligible for waiver of petitioner's presence at any future final protection hearings before respondent is served petitioner must appear at the first scheduled hearing to consider a final protective order. At that hearing or any other time prior to service on the respondent, the petitioner may request a waiver of the petitioner's presence at any final protective order hearing scheduled for a date prior to respondent being served. The request shall be on a form prepared by the Administrative Office of the Courts and available in the clerks' offices and on the judiciary website. **The court shall grant a properly filed request for waiver.**

The Order shall:

1. Require the petitioner to register with the VINE Protective Order Service Program.
2. Advise the petitioner to confirm the date of the final protective order hearing by contacting the court promptly after being notified that the respondent was served.
3. Require that the clerk promptly mail extended temporary orders to the petitioner.
4. Include notice to the petitioner of the consequences of non-compliance with the requirements in the Order.

On its own initiative the court may excuse a petitioner's non-appearance at a final protective order hearing occurring after service on the respondent and continue or postpone the hearing if the court finds the service on the respondent was so recent that the petitioner may not have been aware of the service.

i) Entry in and Access to METERS

The clerks of the courts and local law enforcement agencies are responsible for entry of civil protective orders, including temporary protective orders, in the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and subsequent maintenance and prompt validation in accordance with procedures adopted by the State Police. **Md. Code P.S. § 2-305(c)(2).**

j) Extension of the Temporary Protective Order

A temporary protective order is in effect for up to 7 days after service. **Md. Code FL § 4-505(c)(2).** The statute provides that the order may be extended up to a total of 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

k) Advancing Directly to a Final Protective Order Hearing Instead

The court may proceed with a final protective order hearing instead of a temporary protective order hearing if the respondent appears at the hearing, the respondent has been served with an interim protective order, or the court otherwise has personal jurisdiction over the respondent, AND the petitioner and respondent expressly consent to waive the temporary protective order hearing. **Md. Code FL § 4-505(d).** No one, including the court should pressure the parties to go forward with a final protective order hearing.

3.4 Final Protective Order

a) Final Protective Order Hearing

A respondent has a right to have an opportunity to be heard on the question of whether or not the judge should issue a final protective order. **Md. Code FL § 4-506(a).**

The hearing on the final protective order must be held no later than 7 days after the temporary protective order is served on the respondent, unless continued for good cause. **Md. Code FL § 4-506(b)(1)(ii).**

If the respondent is not served and does not appear, the court may extend the temporary order for not more than a total of 6 months, to effectuate service of the order where necessary to provide protection or for other good cause. **Md. Code FL § 4-505(c)(2).**

If the respondent appears or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge may proceed with the final protective order hearing.

b) Standard of Proof

If the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any PEFR from abuse.

c) Evidence

Evidence of Past Abuse. Evidence of past abuse is relevant and admissible. *Coburn v. Coburn*, 342 Md. 244, 674 A.2d 951 (1996). **Md. Code FL § 4-504(b)(1)(ii)** specifically asks the petitioner to disclose on the petition information known about injuries from past abuse, *Coburn, supra*, 324 Md. at 261, but “[f]ailure to list every allegation of past abuse will not prevent such evidence from being admitted.” *Id.* To provide appropriate and adequate relief, a court may need to know the history of abuse, if any. Such evidence is not introduced to punish past abuse but “to prove the likelihood of future abuse.” *Id.*, 342 Md. at 260.

Note: Physical evidence, e.g. photographs or visible injuries is not required before a final protective order is issued. Md. Code FL §4-501(b). Subjective Test. The test here to be a subjective, but the fear must be reasonable. The reasonableness of the fear must be viewed from the perspective of the particular victim. *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 775 A.2d 1249 (2001). (An individual previously abused may be sensitive to nonverbal signal [or code words] that has proved threatening in the past to that victim, but that would not be perceived as threatening by someone without the same experience).

One Threat Sufficient. One threat of violence is sufficient to find abuse based on fear of imminent bodily injury. *Olukoya v. Olukoya*, COSA No. 138. September Term 2002. Unreported. Opinion by Hollander, J. Filed May 24, 2004. (Only one witness, petitioner, testified at trial as to respondent’s threat on her life; respondent denied making threat).

Placing Documents Under Seal. It is important to ensure that documents that may have identifying information or confidential information be properly placed under seal. These may include financial statements, evaluations, medical or psychological reports, records from a hospital, physician, psychologist or other professional health care provider, department of social services reports, or any document that otherwise contains medical or psychological information about an individual. **Md. Rule 16-1006.**

Battered Spouse Syndrome. The Battered Spouse Syndrome, normally used as a defense in a criminal action, may be relevant in a protective order hearing. The Syndrome can enlighten the court as to why a victim may not have reported abuse earlier, why a victim may have reconciled with an abuser in the past, or why even minor incidents or threats may trigger fear in the victim. The syndrome has been recognized by the Maryland General Assembly and codified in **Md. Code CJ § 10-916(a)(2)**. There it is defined as “the psychological condition of a victim of repeated physical and psychological abuse by a spouse, former spouse, cohabitant, or former cohabitant that is also recognized in the medical and scientific community as the ‘Battered Spouse Syndrome.’”

A good summary of the elements of the syndrome may be found in *State v. Smullen*, 380 Md. 233, 844A.2d 429 (2004):

Dr. Lenore Walker, an academic and clinical psychologist, is usually credited with first describing the battered spouse syndrome, which she called the "battered woman syndrome." See Lenore E. Walker, *THE BATTERED WOMAN* (1979); also *THE BATTERED WOMAN SYNDROME* (1984) and *Battered Woman Syndrome and Self-Defense*, 6 *Notre Dame J.L. Ethics & Pub. Pol'y* 321 (1992). Dr. Walker identified a "battered woman" as one who is repeatedly subjected to any forceful physical or psychological behavior by a man in order to coerce her to do something he wants her to do without any concern for her rights. She described three phases to the battering cycle, which, she said, might vary in both time and intensity. Phase I she referred to as the "tension-building" phase, in which minor incidents of physical, sexual, or emotional abuse occur. The woman is not severely abused, but the batterer

begins to express hostility toward her. See Hope Toffel, *Crazy Women, Unharmed Men, and Evil Children: Confronting the Myths About Battered People Who Kill Their Abusers, And The Argument For Extending Battering Syndrome Self-Defenses To All Victims Of Domestic Violence*, 70 S. Cal. L.Rev. 337, 349 (1996), citing Walker, *THE BATTERED WOMAN SYNDROME*, supra, at 95. Phase II consists of an acute battering incident, in which the batterer "typically unleashes a barrage of verbal and physical aggression that can leave the woman severely shaken and injured." Toffel, supra, 70 S. Cal. L.Rev. at 349, citing Walker, *THE BATTERED WOMAN SYNDROME*, supra, at 96. Phase III is a contrition stage, in which the batterer apologizes, seeks forgiveness, and promises to change. The apparent transformation of the abuser back into a loving partner, according to Walker, "provides the positive reinforcement for remaining in the relationship." Id.

The essence of the syndrome is that this cycle repeats, and, indeed, Walker asserts that the syndrome does not exist unless it has repeated at least once. Worse, perhaps, than the mere repetition, is the fact that, over time, the cycle becomes more intense, more frequent, more violent, and often more lethal. See *People v. Humphrey*, 13 Cal.4th 1073, 56 Cal.Rptr.2d 142, 921 P.2d 1 (1996). One aspect of the syndrome is what had been described as "learned helplessness"--where, after repeated abuse, women come to believe that they cannot control the situation and thus become passive and submissive. See Toffel, supra, 70 S. Cal. L.Rev. at 350, citing Walker, *THE BATTERED WOMAN SYNDROME*, supra, at 45-47, 49-50. The etiology of this aspect is described in Erin Masson, *Admissibility of Expert or Opinion Evidence of Battered-Woman Syndrome on Issue of Self-Defense*, 58 ALR 5th 749, 762-763 (1998):

"Through experience, the victim learns that when she attempts to defend herself--by reaching out to others or trying to leave--that she will be the victim of more severe violence. The batterer blames the abusive relationship on her inability to respond to his ever-increasing demands so that the most effective short-term method of reducing incidents of violence is to be more subservient."

This is a key aspect in the purported relevance of the syndrome in a self-defense context, as it offers an explanation of why the defendant, having been previously subjected to abuse, simply did not leave the home or take some other action against her abuser. In *State v. Allery*, 101 Wash.2d 591, 682 P.2d 312, 316 (1984), the court observed that expert testimony "explaining why a person suffering from the battered woman syndrome would not leave her mate, would not inform police or friends, and would fear increased aggression against herself would be helpful to a jury in understanding a phenomenon not within the competence of an ordinary lay person."

Another aspect of the battered spouse syndrome directly relevant in a self-defense context is that the victim becomes able to sense the escalation in the frequency and intensity of the violence and thus becomes more sensitive to the abuser's behavior. See Walker, supra, 6 Notre Dame J.L. Ethics & Pub. Pol'y at 327-328. As described by Elizabeth Bochnak, *WOMEN'S SELF-DEFENSE CASES: THEORY AND PRACTICE* (1981), quoted in *Bechtel v. State*, 840 P.2d 1, 12 (Okla.Crim.1992):

"The battered woman learns to recognize the small signs that precede periods of escalated violence. She learns to distinguish subtle changes in tone of voice, facial expressions, and levels of danger. She is in a position to know, perhaps with greater certainty than someone attacked by a stranger, that the batterer's threat is real and will be acted upon."

Admission of battered spouse syndrome evidence is discretionary with the court. *State v. Smullen*, 380 Md. 233, 260-261, 844 A.2d 429 (2004). Nor does the court have to accept the syndrome as an explanation for the petitioner's failure to complain of abuse under all circumstances. *Ricker v. Ricker*, 114 Md. App. 583, 691 A.2d 283 (1997).

d) Review of Record

Before granting, denying, or modifying a final protective order under this section, the court shall review all open and shielded court records involving the PEFR and the respondent, including records of proceedings under the Criminal Law Article, Title 3, Subtitle 15 of the Courts Article and the Family Law Article. **Md. Code FL § 4-506(e)**.

e) Contents of the Final Protective Order

Md. Code FL §§ 4-506(d) and 4-508 specify the contents of the order. Additional notices are required by the Violence Against Women’s Act full faith and credit provision, **18 U.S.C. § 2265**, to ensure that Maryland orders are enforceable in other states.

The final protective order must include:

- The type(s) and duration of relief being granted.
- Notices required by federal and state law.

Forms of Relief. The final protective order may include any of the following types of relief as specified in **Md. Code FL § 4-506(d)**:

POLICY STATEMENT. All judges presiding in the protective order docket should consider all the various requests for judicial relief provided by the Domestic Violence Act, including requests for awards of custody, visitation and emergency maintenance, particularly given that such relief may provide protection to domestic violence victims and promote and serve the best interest of minor children. *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 775 A.2d 1249 (2001). All judges should therefore avoid the practice of refusing to consider such requests for judicial relief despite the fact that such relief may be requested in the future following the filing of a separate circuit court action involving divorce, child custody, visitation and/or child support issues.

“The purpose of the domestic abuse statute is to protect and ‘aid victims of domestic abuse by providing an immediate and effective’ remedy. The statute provides for a wide variety and scope of available remedies designed to separate the parties and avoid future abuse. Thus, the primary goals of the statute are preventive, protective and remedial, not punitive. The legislature did not design the statute as punishment for past conduct; it was instead intended to prevent further harm to the victim.” *Coburn*, 342 Md. at 252, 674 A.2d at 955.

Living arrangements established as the result of a protective order may have relevance in determining custody, use and possession, and support in subsequent litigation. That is *not* the concern of the court in fashioning appropriate relief in a domestic violence case, however. The concern there is to do what is reasonably necessary – *no more and no less* – to assure the safety and well-being of those entitled to relief. We iterate what we said in *Coburn*: “The Legislature did not design the statute as punishment for past conduct; it was instead intended to prevent further harm to the victim.” *Coburn, supra*, 342 Md. at 252, 674 A.2d at 955. Courts should implement the statute accordingly.

- **No further abuse.** Order the respondent to refrain from further abuse or threats of abuse of a PEFR.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing a PEFR.

- **Stay away – residence.** Order the respondent to refrain from entering the residence of a PEFR.

Residence. “Residence” is defined to include the yard, grounds, out-buildings and common areas surrounding the residence. **Md. Code FL § 4-501(p).** Therefore, protection under the order does not start or stop at the door but, rather, extends throughout the curtilage.

- **Vacate the home and temporary use and possession.** If a PEFR and respondent reside together, order the respondent to vacate the home immediately and award temporary use and possession of the home to the PEFR.

Home. “Home” is defined as “the principal residence” in Maryland of a PEFR, “owned, rented, or leased” by the PEFR or respondent. **Md. Code FL § 4-501(j).**

Reside Together. The “residing together” need only be at the time of the alleged abuse, not at the time of the filing of the petition or at the time that the temporary protective order is under consideration. The alleged abuse may have taken place weeks or months before the petition is presented to court. Thus, a PEFR who moved from the home and who, 6 months later, files a petition alleging abuse 7 months before, would be eligible for consideration for a temporary use and possession order.

Factors to Consider in Granting a Vacate Order. The statute provides special guidance on vacate orders, specifying the factors to be considered: (1) the housing needs of any minor child living in the home; (2) the duration of the relationship between the respondent and PEFR; (3) title to the home; (4) pendency and type of criminal charges against the respondent; (5) the history and severity of abuse in the relationship between the respondent and PEFR; (6) the existence of alternative housing for the respondent and any PEFR; and (7) the financial resources of the respondent and the PEFR **Md Code FL § 4-506(h).**

Limits as to a Nonspouse. The court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse PEFR unless the name of the PEFR appears on the lease or deed to the home or the PEFR has resided in the home with the respondent for a period of at least 90 days within 1 year before filing the petition. **Md. Code FL § 4-506(d)(4).**

- **Temporary use and possession of a home – abuse of child or vulnerable adult.** In a case alleging abuse of a child or abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in **Md. Code FL § 4-506(d)(4)**, award temporary use and possession of the home to an adult living in the home.

Use and Possession on Behalf of Child or Vulnerable Adult. The adult awarded use and possession on behalf of the child or vulnerable adult must be actually living in the home at the time of the temporary protective order hearing.

Home. Here also home is also as the principal residence of a PEFR, “owned, rented or leased” by a PEFR, respondent, or an adult living in the home at the time of the proceeding. **Md. Code FL § 4-501(j).**

Limits as to a Nonspouse. See limits as to non-spouses, discussed above. **Md. Code FL § 4-505(a)(2)(iv).**

- **Stay away – job, school, shelter.** Order the respondent to remain away from the place of employment, school or temporary residence of a PEFR.
- **Stay away – home of family member.** Order the respondent to remain away from the residence of any family member of a PEFR.
- **Stay away – childcare.** Order the respondent to remain away from a childcare provider of a PEFR while a child of the PEFR is in the care of the childcare provider.
- **Possession of Pet.** Award possession of any pet of the person eligible for relief or the respondent.
- **Temporary custody.** Award temporary custody of a minor child of the PEFR and the respondent.

Proof of Parentage. The court's power as to custody in a temporary protective order hearing is limited to minor children of a PEFR and the respondent. Accordingly, a commissioner or the court may wish to direct a petitioner requesting custody to bring proof of parentage to the protective order hearing.

Award of Custody When There is a Previous Order. A court effectively can modify a previous order of custody through the award of custody in a protective order, but such a modification is only temporary and not a permanent order of custody, effective only as long as the duration of the protective order. *Kaufman v. Motley*, 119 Md. App. 623, 705 A.2d 330 (1998).

- **Visitation.** Establish temporary visitation with a minor child of the respondent and a PEFR on a basis that gives primary consideration to the welfare of the minor child and the safety of any other PEFR(s). The court can condition or restrict visitation as to time, place, duration or supervision, or deny visitation entirely, as needed to protect any PEFR.

Visitation. In the event that visitation is allowed, the court should set the terms of visitation stated in specific days and times, rather than granting "reasonable" visitation to be worked out by the parties, and should give consideration to the protection, if any, needed during visitation. In awarding visitation, the court should consider requiring the parties to exchange children through a neutral person known to the parties, for example, a family member with whom both parents are comfortable, or through a court-based or private visitation service. A monitored **exchange program** can be used to minimize contact and conflict between the parties. If more protection is needed, the court may require that visits take place through a **supervised visitation program**. Family support services coordinators in each circuit court can provide information on supervised visitation centers in each jurisdiction. These should be able to accept referrals from both the District Court and circuit courts. (See Appendix C for a list of coordinators.)

- **Emergency Family Maintenance.** Award emergency family maintenance as necessary to support any PEFR whom the respondent has a duty to support, including an immediate and continuing earnings withholding order.

Emergency Family Maintenance. Emergency family maintenance is defined as “a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support [under the Md. Code FL] based on: (1) the financial needs of the person eligible for relief; and (2) the resources available to the person eligible for relief and the respondent.” **Md. Code FL § 4-501(g).**

Duty of Support. A respondent has a duty of support to: a spouse, **Md. Code FL § 10-201**; a minor child, **Md. Code FL § 10-203**; a destitute adult child, **Md. Code FL § 13-102(b)**; and a destitute parent, **Md. Code FL § 13-102(a).**

Using Child Support Guidelines. When the court is awarding emergency family maintenance for the support of a child, the court may use the Maryland Child Support Guidelines found in **Md. Code FL §§ 12-201 through 12-204.**

Effect of Other Support Orders. Before awarding emergency family maintenance, the court should be aware of and take into account any other support orders in effect.

Earnings Withholding Order Available. If emergency family maintenance is ordered, an immediate and continuing earnings-withholding order may be issued on the earnings of the respondent. **Md. Code FL § 4-506(d)(9) et seq.** The procedures for issuance of the order are as specified for other support orders in **Md. Code FL § 10-120 et seq.**

Effect of Reconciliation. The parties' reconciliation ends the respondent's emergency family maintenance obligation, whether or not a modification or rescission was filed if the reconciliation is *bona fide* and voluntary and not the result of the petitioner being forced to reconcile in order to receive support from the respondent. *Torboli v. Torboli*, 127 Md. App. 666, 736 A.2d 400 (1999).

- **Temporary Use and Possession of a Vehicle.** Award temporary use and possession of a vehicle jointly owned by the respondent and PEFR, if necessary to the PEFR to be able to work or care for a child or other PEFR.

Title. When considering use and possession of a motor vehicle, joint ownership of a vehicle under this provision is to be determined by legal title, e.g., MVA title or court recognized division of property.

- **Counseling or a Domestic Violence Program.** Order the respondent or any or all PEFRs to participation in professionally supervised counseling or a domestic violence program.

Payment for Counseling or Domestic Violence Program. The statute does not authorize the court to order any party to pay for counseling or a domestic violence program.

- **Surrender of Firearms.** The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order. **Md. Code FL § 4-506(f).**

Firearm Possession a Federal Crime. Federal law provides that a respondent subject to a properly executed order of protection may not obtain, possess, or transport a firearm or ammunition for the duration of the qualifying protective order. **18 U.S.C. § 922(g).** It is

advisable to take testimony from the parties about firearms that may be in the possession of the respondents, and to order the surrender of any and all such firearms.

Refusal to Surrender Firearms if Ordered is a Misdemeanor. Refusal to surrender firearms, if ordered pursuant to **Md. Code FL § 4-506(f)**, is a misdemeanor and shall result in an immediate arrest by law enforcement, with or without a warrant. **Md. Code FL § 4-509.** Ordering the respondent to surrender firearms permits local law enforcement officials to enforce the federal firearms provisions without requiring the intervention of the U.S. Attorney.

Specify the Law Enforcement Agency. If surrender of firearms is ordered, the order should identify the specific law enforcement agency that is to receive the firearms, and a copy of the order should be provided to that agency immediately.

- **Filing Fees and Costs.** Order the respondent to pay filing fees and costs of any proceeding under the statute.

In addition to these forms of relief, the court also should consider ordering the following:

- **Retrieval of Personal Effects.** If the respondent has not already retrieved his or her belongings, the order should state expressly how a respondent is to arrange to return home to do so. The order may require that a respondent be accompanied by a law enforcement officer and may list the effects that can be removed.

Treatment and Service Options. In ordering treatment or services for the PEFR(s), respondent or other family members, the court should take care to ensure that treatment methods are appropriate to the problem being addressed, and that they are structured in a way to ensure the safety of the victim, the children of the parties, or other vulnerable persons. If the protective order includes a stay away provision, the order should **NOT** also then require the parties to participate in joint counseling, mediation or classes that would require that they be present together or that could increase the likelihood of a chance meeting. Requiring an abuser and victim to meet or interact can place the victim or others at risk of harm. Some treatment and service options, and their limitations, are discussed below.

- **Abuser Intervention Programs (AIPs). Highly recommended.** The problem of domestic violence cannot be addressed without addressing the perpetrators of abuse. AIPs are programs designed to address directly the abusive behavior of perpetrators of family violence. They are designed to help perpetrators stop using violence in their intimate family relationships. They teach effective non-violent skills that show respect for one's intimate partner and others. They hold abusers responsible and accountable for their actions. They promote safety for victims, partners and children of domestic abusers. AIPs focus on power and control issues in intimate relationships. Abusers choose not to manage their anger with their intimate partners in order to maintain control over them. Abusers do not lose control of their anger. They use their anger to control their intimate partner. Abusers select their victims. Although some AIPs incorporate aspects of anger management counseling into their programs, managing anger is not the main focus of AIPs. Many domestic abusers do an excellent job of controlling their

anger with people other than their intimate partner. Anger management programs do not get to the root of domestic violence, i.e., issues of power and control and the abusers perceived right or entitlement to dominate their partner. AIPs are an integral part of a coordinated community response to intimate partner violence. There is a voluntary program in Maryland to self-certify AIP programs. There are guidelines governing AIPs. See Appendix D for a list of self-certified AIPs in Maryland and the guidelines.

- **Anger Management Programs. Not recommended.** These programs are designed to help perpetrators of a wide range of violent behaviors control their anger and avoid outbursts that can lead to violence. Anger management programs are designed to address violent behavior in general and lack the focus on intimate partner abuse found in AIPs. There are no guidelines or certification for anger management programs in Maryland. Anger management is not recommended for perpetrators of intimate partner violence.
- **Counseling and Therapeutic Services. Joint services not recommended.** While the court may wish to refer the respondent for counseling or therapeutic services, it is **not advisable** to refer PEFR(s) and respondents to participate in joint counseling, couples counseling, marriage counseling or family counseling together. Ordering the parties to communicate in person or to interact directly, or even to appear together in the same location, may place the victim, the parties' children, or others at risk of serious harm.
- **Mediation. -Referral prohibited.** The courts may not enter an order of referral to ADR in a protective order action. **Md. Rule 17-201(b), 17-302(b)**

Duration of Order. A final protective order may be effective for a period not to exceed 1 year, unless extended pursuant to a modification. **Md. Code FL § 4-506(j)(1).** The order should state the maximum time for which the order is effective.

POLICY STATEMENT. To consistently order a duration of 6 months or some other arbitrary length of time less than the statutory maximum regardless of the facts of the case constitutes a policy. The concern there is to do what is reasonably necessary – *no more and no less* – to assure the safety and well-being of those entitled to relief. . *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 775 A.2d 1249 (2001).

- **Subsequent Acts of Abuse.** All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if: (i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief for an act of abuse committed within 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 (ii) the prior final protective order was issued for a period of at least 6 months. **Md. Code FL § 4-506(j)(2)**

- **Permanent Final Protective Order** Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent. To be eligible for a permanent final protective order, the petitioner and respondent must meet the following criteria:
 - A petitioner for a permanent final protective order must have been a victim of the abuse and a person eligible for relief in a prior final protective order.
 - The respondent in this order must have been the respondent in the prior order.
 - The respondent must have been convicted and sentenced to serve a term of imprisonment of at least five years under: § 2-205, Attempt to commit murder in the first degree; § 2-206, Attempt to commit murder in the second degree; § 3-202, Assault in the first degree; § 3-203, Assault in the second degree; § 3-303, Rape in the first degree; § 3-304, Rape in the second degree; § 3-305, Sexual Offense in the first degree; § 3-306, Sexual Offense in the second degree; § 3-309, Attempted Rape in the first degree; § 3-310, Attempted Rape in the second degree; § 3-311, Attempted Sexual Offense in the first degree; § 3-312, Attempted Sexual Offense in the second degree of the Criminal Law Article for the act of abuse that led to the issuance of the original/ prior final protection order and has served at least 12 months of the sentence.
 - In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) [to refrain from abusing or threatening to abuse any person eligible for relief] or (d)(2) [order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief]. **Md. Code FL § 4-506(k)(2):**

A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order. **Md. Code FL § 4-506(j)(3).** For example, if in a subsequent domestic proceeding, the circuit court awards custody or visitation of a minor child of the parties, that order would supersede the custody or visitation provisions of the final protective order.

Required Notices. Certain notices are required in each final protective order. **Md. Code FL § 4-508.** Additional notices are required by the Violence Against Women’s Act full faith and credit provision, **18 U.S.C. § 2265** to ensure that Maryland orders are enforceable in other states. In addition to the forms of relief, the order must include:

- A statement that a violation of the order may result in criminal prosecution and imprisonment or fine or both.
- A statement that a violation of the order may result in a finding of contempt.
- A certification by the issuing judge that the court had jurisdiction over the respondent and the subject matter, that the respondent was given reasonable notice and an opportunity to be heard, and that, in the case of mutual orders,

that the court has made a detailed finding of fact that each party was entitled to such an order.

- A notice to the respondent that it is a federal crime for the respondent to possess any firearm pursuant to **18 U.S.C. § 922(g)(8)** and that failure to comply with any order to surrender firearms is a misdemeanor in accordance with **Md. Code FL § 4-509(a)**.

f) Relief Limited to PEFR

A final protective order may be issued only to the PEFR who has filed the petition for protection or for whom the petition was filed. **Md. Code FL § 4-506(c)(2)**. In other words, the court may not, after taking testimony, decide to award a protective order to the respondent based on the evidence, unless the respondent was also a petitioner.

g) Mutual Final Protective Orders

A judge may issue mutual final protective orders only if the judge finds by a preponderance of the evidence mutual abuse occurred and makes detailed findings of fact that both respondents acted primarily as aggressors and neither acted primarily in self-defense. **Md. Code FL § 4-506(c)(3)(ii)**.

h) Impact of Federal Law on Maryland Protective Orders

Two aspects of federal law have an impact on Maryland orders of protection.

Full Faith and Credit. First, the full faith and credit provisions of the Violence Against Women Act, **18 U.S.C. 2265**, provide that qualifying protective orders are to be afforded full faith and credit by all other states, their political subdivisions, tribal governments, the District of Columbia, and all commonwealths, territories and possessions of the United States (American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands). This means that to ensure the enforceability of Maryland protective orders across state lines, Maryland courts should ensure that the full faith and credit provisions are followed to make sure that Maryland orders qualify under federal law.

Federal Firearms Provisions. Second, the federal firearms provisions included in **18 U.S.C. 922(g)** make it a federal crime for the respondent who is the subject of any qualifying protective order to obtain, possess, or transport a firearm or ammunition for the duration of the protective order. To ensure that the firearms provisions apply to protective orders there must be, among other things, a finding that the respondent represents a credible threat to the physical safety of the intimate partner or child, or the court must order that the respondent not abuse, threaten to abuse and/or harass the petitioner.

In order to render the federal firearms provisions effective, it is important to order the surrender of firearms to law enforcement officers in every case where the provisions apply. The specific law enforcement agency to receive the firearms should be specified in the order and that law enforcement agency likewise should be notified and provided with a copy of the order as soon as possible.

Use of Form Orders Highly Recommended. The forms developed for use as final protective orders by the Judiciary are designed to ensure that proper notices are provided and that the orders are generally compliant with all State and federal requirements. It is highly recommended that courts use these form orders whenever possible. 195 ALR Fed 319.

i) Service

A copy of the final protective order must be served on the petitioner, the respondent, any affected PEFR, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court. A person who is not present at the final protective order hearing, the person is to be served by first class mail to the person's last known address. Service upon the respondent is considered actual notice to the respondent of the contents of the protective order. Service is complete upon mailing. **Md. Code FL § 4-506(i).**

j) Entry in METERS

The clerks of the courts and local law enforcement agencies are responsible for entry of civil protective orders, including final protective orders, in the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and subsequent maintenance and prompt validation in accordance with procedures adopted by the State Police. **Md. Code P.S. § 2-305(c)(2)**

POLICY STATEMENT. The Maryland Protective/Peace Order Application (MPPA) allows judges and certain court personnel to view all protective and peace orders issued by Maryland courts.

Courts must be particularly mindful to apprise a clerk that an order is a final protective order if it is included in, e.g., a consent order in a divorce action or otherwise is a non-standard final protective order. The court also should be clear as to the duration of the protective provisions of such an order. *See Cote v. Cote*, 89 Md. App. 729, 739-40, 599 A.2d 869 (1992).

k) Domestically Related Crimes

Domestically related crime means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4-501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State's Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.

The State has the burden of proving by a preponderance of the evidence that a crime is a domestically related crime.

If the court finds that the crime is a domestically related crime that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository.

3.5 Enforcement of Maryland Protective Orders

(a) Order

To be enforceable under State and federal law, the protective order must include certain required notices. To ensure those notices are properly included, it is highly recommended that the court use the form orders provided for interim, temporary and final protective orders.

Expired Order. A court may address a violation of an expired protective order if the violation occurred while the order was in effect. *Torboli v. Torboli*, 119 Md. App. 684, 705 A.2d 1186 (1998).

(b) Arrest

Arrest in Maryland is mandatory if a law enforcement officer has probable cause to believe that a violation of the current interim, temporary or final protective order has occurred. **Md. Code FL § 4-509(b).** An arrest may be made with or without a warrant.

Police Cannot Initiate Contempt. A police officer cannot initiate contempt proceedings under Maryland Rule 15-206(b), but is authorized to arrest the respondent if there is probable cause that a violation of the protective order has occurred. *Zetty v. Piatt*, 365 Md. 141, 776 A.2d 631 (2001).

(c) Types of Enforcement Remedies

There are different enforcement mechanisms available when a protective order has been violated. **Md. Code FL § 4-509(a)** establishes **criminal** penalties for the violation of certain provisions of an interim, temporary or final protective order.

The court also can use its authority to impose **criminal or civil contempt** when a respondent violates an order.

Finally, an individual who, in violating a protective order, engages in criminal action may be charged with a new substantive offense (e.g. assault, trespass, malicious destruction of property, or stalking).

(d) Criminal Prosecution

A person who violates certain provisions of an interim, temporary or final protective order is guilty of a misdemeanor. The provisions of the order to which this applies are those that include the types of relief indicated in Table 3, below.

Penalties. Upon conviction a respondent found guilty of a misdemeanor is subject to the following penalties “for each offense”:

- **1st Offense:** A fine not to exceed \$1,000 or imprisonment not to exceed 90 days or both.
- **2nd or Subsequent Offense:** A fine not to exceed \$2,500 or imprisonment not to exceed 1 year or both. (For second or subsequent offender penalties a prior

conviction under § 3-1508 of the Courts Article shall be considered a conviction under this section.) **Md. Code FL § 4-509(a)**.

Repeated calls constitute separate acts. When a protective order requires an abuser to have “no contact” with a victim, repeated calls constitute separate acts for the purposes of the provisions requiring penalties “for each offense” in **Md. Code FL § 4-509** of the Family Law Article. *Triggs v. State*, 382 Md. 27, 852 A.2d 114 (2004).

Table 3. Types of Relief for Which Violation Subject to Criminal Prosecution

Type of Order	Reference to FL § Article	Type of Relief
INTERIM	4-504.1(c)(1)	Refrain from abuse, threats of abuse
	4-504.1(c)(2)	No contact, attempt to contact, harassing
	4-504.1(c)(3)	Stay away – residence
	4-504.1(c)(4)(i)	Vacate the home
	4-504.1(c)(7)	Stay away – employment, school, temporary residence
	4-504.1(c)(8)	Stay away – home of family member
TEMPORARY	4-505(a)(2)(i)	Refrain from abuse, threats of abuse
	4-505(a)(2)(ii)	No contact, attempt to contact, harassing
	4-505(a)(2)(iii)	Stay away – residence
	4-505(a)(2)(iv)	Vacate the home, temporary use and possession
	4-505(a)(2)(v)	Stay away – employment, school, temporary residence of PEFR, home of family member
	4-505(a)(2)(viii)	Surrender of Firearms
FINAL	4-506(d)(1)	Refrain from abuse, threats of abuse
	4-506(d)(2)	No contact, attempt to contact, harassing
	4-506(d)(3)	Stay away – residence
	4-506(d)(4)	Vacate the home, temporary use and possession
	4-506(d)(5)	Stay away – employment, school, temporary residence of PEFR, home of family members
	4-506(f)	Surrender of firearms

Compelled Testimony of Spouse. Compelled testimony of a spouse is allowed under Maryland law only where the charge involves abuse of a child under 18 or assault of a spouse in any degree. **Md. Code CJ § 9-106**. In the case of assault, the spouse can elect to exercise the spousal privilege once. If the spouse previously has been sworn in and refused to testify

against the other spouse charged with assault or battery or assault in any degree, the second or subsequent time, the spouse who previously had exercised the privilege can be compelled to testify. In order for the statute to be triggered, the clerk of court must have made a record of the prior refusal to testify.

When an expungement order for an assault case is presented, **Md. Code CJ § 9-106(b)(2)** requires the clerk to check for, and make a special record of, an assertion of spousal privilege in the case. Access to the special record is limited to the court, a State's Attorney's office and defense counsel. **Md. Code CJ § 9-106(b)(4)(ii)**.

e) Use of Civil and Criminal Contempt to Enforce Protective Orders

The court may hold a respondent in civil or criminal contempt for failing to follow a protective order. This remedy may be necessary, for example, to enforce those provisions which, if violated, trigger no criminal penalty (e.g., provisions that require the respondent to remain away from a child care provider, that award custody of a child, that establish temporary visitation, emergency family maintenance, or use and possession of a vehicle, or that require a respondent to participate in counseling or pay court costs).

Constructive Civil Contempt. The use of constructive civil contempt is governed by **Md. Rules 15-206** and **15-207**.

The purpose of **civil contempt** is to preserve and enforce the rights of private parties to a suit. It is remedial in nature and is intended to compel obedience to orders primarily made to benefit private parties. There must exist an ability to meet a purge requirement before civil contempt can be imposed. *Baltimore v. Baltimore*, 89 Md. App. 250, 253, 597 A.2d 1058 (1991), quoting *Fields v. Fields*, 74 Md. App. 628, 635, 539 A.2d 708 (1988).

Emergency Family Maintenance – Ability to Pay Required. In cases involving family maintenance, this will require a showing that the defendant has a present ability to pay but has not done so. *Jones v. State*, 351 Md. 264, 718 A.2d 222 (1998).

Inability to Pay Due to Defendant's Bad Faith. In civil contempt, the object is remedial--to force compliance. But the remedy of civil contempt is not available if the defendant does not have the present ability to pay, which is required for civil contempt. This is the case even if the present inability to comply is the product of the defendant's bad faith. *Lynch v. Lynch*, 342 Md. 509, 677 A.2d 584 (1996).

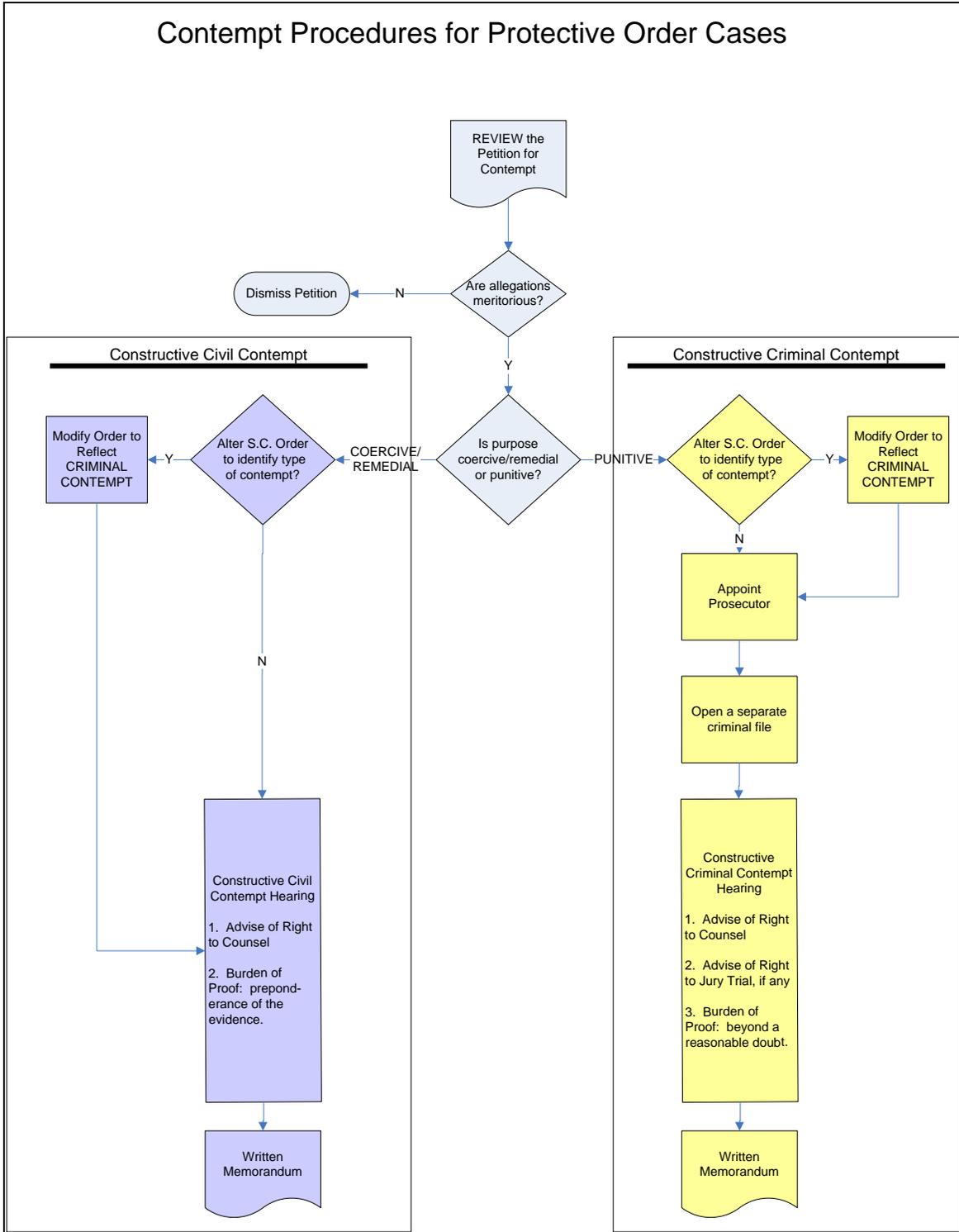
Visitation Provisions. Violations of provisions regarding child visitation are not necessarily susceptible to remedy by civil contempt proceedings since the violation cannot be remedied. See *Danowski v. Brent*, COSA No. 162, September Term, 1999. Available only through archives. Filed April 7, 2000.

Constructive Criminal Contempt. The use of constructive criminal contempt is governed by **Md. Rules 15-205** and **15-207**.

The purpose of **criminal contempt** is to address conduct that is directed against the dignity and authority of the court, or a judge; it is an act which obstructs the administration of justice and which tends to bring the court into disrepute or disrespect. It is used to punish the defendant for past misconduct, which may not necessarily be capable of remedy and

requires proof beyond a reasonable doubt. Due process requirements apply. *Baker v. Baker*, 58 Md. App. 619, 473 A.2d 1325 (1984). There is a right to a jury trial in constructive criminal contempt proceedings, regardless of the sentence imposed. *Dorsey & Craft v. State*, 356 Md. 324, 739 A.2d 41 (1999).

Figure 2. Flowchart of Contempt Procedures for Protective Order Cases



3.6 Enforcement of Foreign Orders of Protection

a) Full Faith and Credit – State Law Provisions

Orders of protection issued by a court of another state or Native American tribe must be accorded full faith and credit by Maryland courts. **Md. Code FL § 4-508.1(b)**.

Under **Md. Code FL § 4-508.1(b)** an out-of-state *ex parte* order is enforceable only to the extent that the order affords relief permitted under **Md. Code FL § 4-505**. An out-of-state order of protection is enforceable only to the extent that the order affords relief permitted under **Md. Code FL § 4-506**. In other words, foreign orders are enforceable only insofar as they provide for relief permitted in Maryland.

Some states may provide for forms of relief that are not available in Maryland. The provisions of those orders that correspond to relief available in Maryland should be enforced.

POLICY STATEMENT. The language of the Maryland statute is not as broad and does not provide as much enforceability as federal law. Maryland courts may need to look to applicable federal law to ensure victims with out-of-state orders are receiving the full reciprocity to which they are entitled.

Enforceable Orders Under State Law. Under state law, to be entitled to full faith and credit, an order of protection must be a temporary or final order or injunction that:

1. Is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;
2. Is issued by a civil court in response to a complaint, petition or motion filed by or on behalf of the person seeking protection or by a criminal court; and
3. Is obtained by filing an independent action or as a *pendente lite* order in another proceeding.

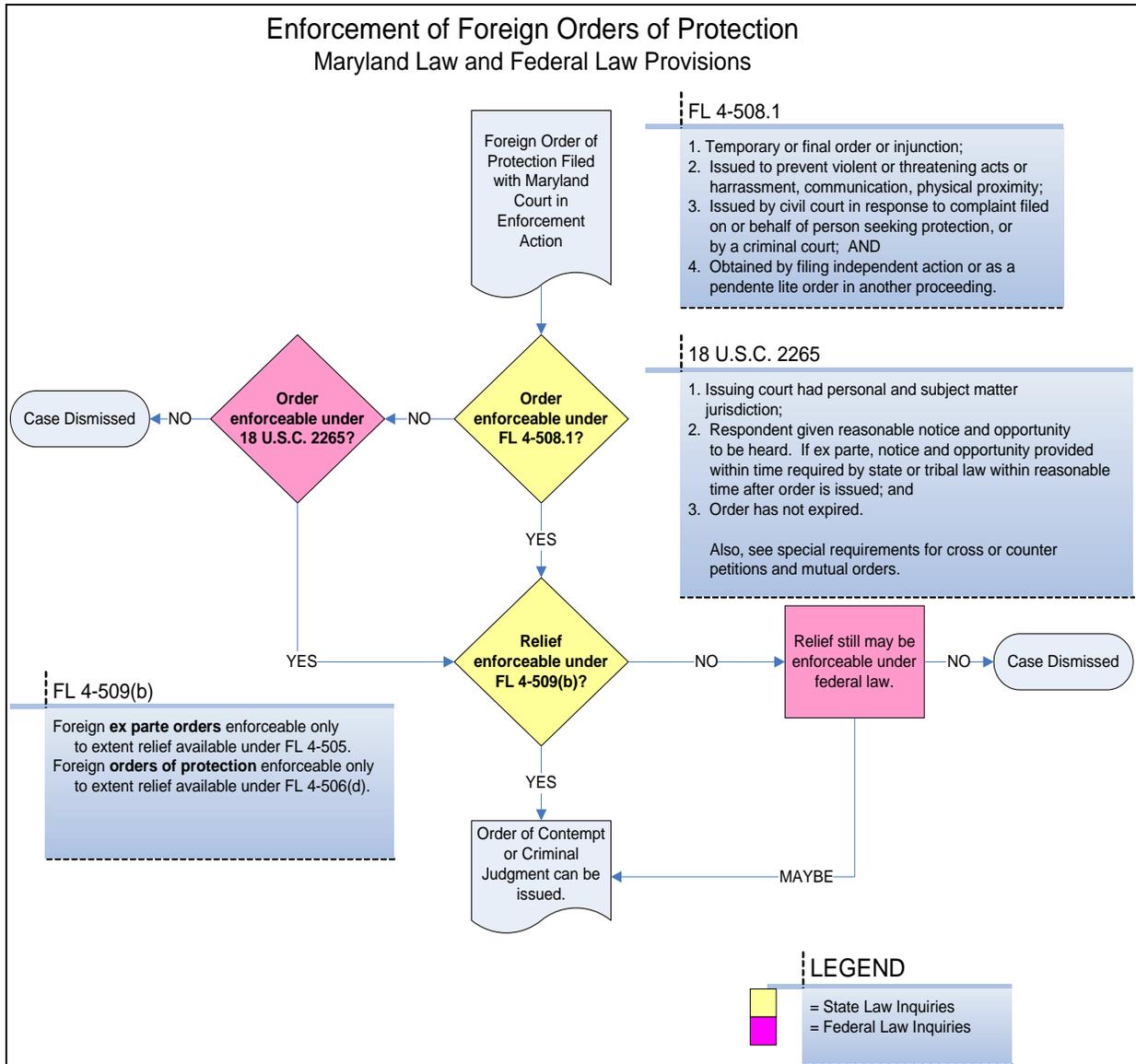
b) Full Faith and Credit - Applicable Federal Law

The United States Constitution requires that full faith and credit be given in each state to the public acts, records and judicial proceedings of every other state. **U.S. Const. Art. IV § 1**.

These provisions have been enhanced by the passage of the full faith and credit provisions of the Violence Against Women Act (VAWA) found in **18 U.S.C. 2265**. Orders of protection issued by the following entities must be afforded full faith and credit under VAWA:

- A state and its political subdivisions;
- A tribal government;
- The District of Columbia;
- A commonwealth, territory or possession of the United States (includes American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands).

Figure 3 Enforcement of Foreign Orders of Protection



Enforceable Orders under VAWA. An order is enforceable under VAWA so long as it meets the following criteria:

1. The issuing court had personal and subject matter jurisdiction to issue the order;
2. The respondent was given reasonable notice and an opportunity to be heard sufficient to protect that person's due process. If the order was issued *ex parte*, notice and opportunity must be provided within the time required by state or tribal law, within a reasonable time after the order is issued; and
3. The order has not expired. **18 U.S.C. 2265(b).**

Cross or Counter-Petitions under VAWA. Under VAWA, a protective order issued against a person who has petitioned for protection from their spouse or intimate partner is *not* entitled to full faith and credit if:

- No cross or counter-petition was filed seeking such protection; or
- A cross or counter-petition has been filed and the court did not make specific findings that each party was entitled to such an order. **18 U.S.C. 2265(c).**

c) Arrest

Arrest in Maryland is mandatory if a law enforcement officer has probable cause to believe that a person is in violation of certain provisions of an order of protection issued by another state or a Native American tribe that is in effect at the time of the violation and the person seeking the assistance of the law enforcement officer:

1. Has filed a copy of the order with the District Court or circuit court in that jurisdiction; OR
2. The person seeking assistance displays or presents to the officer a copy of the order that appears valid on its face.

Md. Code FL § 4-508.1(c). The arrest may be made with or without a warrant.

Note that under federal law, neither registration with the enforcing court, nor notice is a prerequisite for enforcement of valid protection orders from other jurisdictions. **18 U.S.C. § 2265(d)(1)(2).**

d) Types of Enforcement Remedies

As with Maryland orders, there are different enforcement mechanisms available when a foreign order of protection has been violated. The **criminal penalties** available under **Md. Code FL § 4-509(a)** for Maryland orders are likewise available for qualifying foreign orders.

Criminal Penalties Available for Foreign Orders. An individual who violates an out-of-state protective order in Maryland may be arrested and criminally prosecuted under **Md. Code FL §§ 4-508.1 and 4-509**, if a similar violation of a Maryland protective order would be a criminal offense. 85 Op. Att'y Gen. 87 (Apr. 11, 2000).

For information on the use of criminal penalties, see Section 3.6(d), above.

The court also can use its authority to impose **criminal or civil contempt** when a respondent violates an order.

e) Entry in METERS

Foreign orders of protection must be entered into METERS just like Maryland orders. **Md. Code P.S. § 2-305(a)(3).** If a judge determines that an order meets the criteria for full faith and credit, the judge should so inform the clerk, at which time the clerk either should enter the order into METERS or should forward the order to the local law enforcement agency for entry into METERS pursuant to **Md. Code P.S. § 2-305(c).**

Note: The DVCR will indicate that a foreign order has been registered and the jurisdiction in which it was registered.

3.7 Modification or Rescission of Orders

The court may modify or rescind a protective order so long as the following has been provided:

1. Notice to all affected PEFRs and the respondent; AND
2. A hearing.

Md. Code FL § 4-507(a). Notice must be provided first before a hearing can be set on the request for a modification or rescission. The court may **not** grant a modification or rescission as emergency or *ex parte* relief.

POLICY STATEMENT. Victims remain especially vulnerable even after a protective order has been granted. Abusers may attempt to regain control of the victim by reconciling or renewing the intimate relationship. While some victims may genuinely believe reconciliation to be in their best interest, others may have been intimidated into requesting a rescission or dismissal, and many remain at risk. Judges should require the petitioner to appear in open court before a request to rescind or dismiss can be granted – to ensure victim safety and to make sure the victim is not being intimidated, coerced, or threatened into dismissing the petition or rescinding the order.

a) Is a Modification or a New Order Required?

When there is an existing protective order between the PEFr and a respondent, whether the PEFr must seek further relief by modification or must seek a new protective order depends on the circumstances of the particular case.

b) Which Order Governs?

The most recent circuit court order governs, superseding conflicting provisions of an earlier protective order granted by the District or a circuit court. **Md. Code FL § 4-506(j)(3).**

c) Extending an Existing Protective Order

A judge may extend the term of the protective order for good cause shown an additional 6 months beyond the period specified in Md. Code FL § 4-506(j) provided notice and a hearing is given. **Md. Code FL § 4-507(a)(2).** In other words, if an initial order was granted for 12 months, the order can be extended an additional 6 months. If the initial order was for less than 12 months, the order can be extended so that the total duration is up to 18 months.

If during the term of a protective order a judge finds by clear and convincing evidence the respondent has committed a subsequent act of abuse against the PEFr named in the order the judge may extend the order for up to 2 years from the date of extension. As with other modifications notice and a hearing are required. **Md. Code FL § 4-507(a)(3).**

If during the term of a final protective order, a petitioner or person eligible for relief files a motion to extend the term of the order under these subsections the court shall hold a hearing within 30 days after the filing of the motion. If the hearing on the motion is scheduled after the original expiration date the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion. **Md. Code FL § 4-507(a)(4)**

3.8 Appeals from Protective Order Proceedings

a) Appeals from the District Court

If a District Court judge grants or denies protective order relief, a PEFR, a petitioner or a respondent may appeal the matter to the circuit court in the jurisdiction where the District Court is located. **Md. Code FL § 4-507(b)(1)**.

Appeals to the circuit court are heard *de novo*. **Md. Code FL § 4-507(b)(2)**.

A District Court order remains in effect on appeal until superseded by a circuit court judgment and unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court. **Md. Code FL § 4-507(b)(2)**.

A party cannot appeal a protective order issued by a District Court to the circuit court if the party consented the entry of the order in the District Court.

b) Appeals from the circuit court

If a circuit court judge grants or denies protective order relief, a PEFR, a petitioner or respondent may appeal the matter to the Court of Special Appeals. **Md. Code CJ § 12-301**.

3.9 Shielding of Denied or Dismissed Protective Order Records

a) Written Request

If a petition was denied or dismissed at any proceeding for a protective order the petitioner or respondent may file a written request to shield all court records related to the proceeding. **Md. Code FL § 4-512(b)(1)**.

b) Timing

Petition cannot be filed within 3 years of the denial or dismissal unless a waiver of tort claims is filed with the petition.

c) Notice and Hearing

Upon petition, a hearing shall be scheduled and notice of the hearing must be given by the court to the other party or the other party's counsel of record.

At the hearing subject to certain exceptions the court shall shield the records if it finds:

1. Petition was denied or dismissed.
2. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and respondent.

3. The respondent has not been found guilty of a crime arising from abuse against the petitioner.
4. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent from alleged abuse against the petitioner.

The court on its own motion or on the objection of the other party may deny the shielding for good cause. In determining whether there is good cause the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

d) Access

The statute limits who can have access to shielded records. **Md. Code FL § 4-512(f)(1)** Any person without access can file by way of subpoena or motion a request for access to a record. In ruling whether said individual should have access to the record the court shall balance the person's need for access with petitioners or respondents right to privacy and the potential harm of unwarranted disclosure. **Md. Code FL § 4-512(f)(2)(iii)**.

e) Compliance

Within 60 days of entry of the order the custodian of records shall advise the court and the respondent in writing of compliance.

3.10 Shielding of Denied or Dismissed Protective Order Records

a) Written Request

If a respondent consents to a protective order the petitioner or respondent may file a written request to shield all court records related to the proceeding at any time after the protective order expires. **Md. Code FL § 4-512(e)(1)(i)**.

b) Timing

Petition cannot be filed until the protective order expires.

c) Notice and Hearing

Upon petition, a hearing shall be scheduled and notice of the hearing must be given by the court to the other party or the other party's counsel of record.

At the hearing the court may shield the records if the court finds:

1. For cases in which the respondent requests shielding that the petitioner consents to the shielding.
2. That the respondent did not violate the order during its term.
3. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and respondent
4. The respondent has not been found guilty of a crime arising from abuse against the petitioner.

5. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent from alleged abuse against the petitioner.

In determining whether court records should be shielded the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

If the respondent consented to the entry of the protective order but the petitioner did not consent to shielding at the hearing the respondent may refile a written request for shielding after 1 year from the date of the hearing. Upon said petition a hearing shall be scheduled and notice must be given by the court to the other party or the other party's counsel of record.

At the hearing the court may shield the records if the court finds:

1. That the petitioner consents to the shielding or that the petitioner does not consent but that it is unlikely that the respondent will commit an act of abuse against the petitioner in the future.
2. That the respondent did not violate the protective order during its term.
3. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and the respondent.
4. The respondent has not been found guilty of crime arising from abuse against the petitioner.
5. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent from alleged abuse against the petitioner.

In determining whether court records should be shielded the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

d) Access

The statute limits who can have access to shielded records. **Md. Code FL § 4-512(f)(1)** Any person without access can file by way of subpoena or motion a request for access to a record. In ruling whether said individual should have access to the record the court shall balance the person's need for access with petitioners or respondents right to privacy and the potential harm of unwarranted disclosure. **Md. Code FL § 4-512(f)(2)(iii)**.

e) Compliance

Within 60 days of entry of the order the custodian of records shall advise the court and the respondent in writing of compliance.

4 PEACE ORDER PROCEEDINGS – ADULT RESPONDENTS

This section applies only to peace order proceedings involving adult respondents. For information on handling peace order proceedings involving juvenile respondents, see Section 5 below.

4.1 Preliminary Considerations

a) Disclosure of Address

Under **Md. Code CJ § 3-1503(c)**, the court must be cautious about keeping any documentation on the address of the petitioner in the court file, even if placed under seal. Upon the petitioner’s request, the court may strike that address from the petition and omit it from all documents filed with the court if it finds disclosure would risk further harm to the petitioner.

The problem may be resolved by asking the petitioner for a “mailing address” that will not jeopardize the petitioner’s safety.

b) Costs

Unlike protective order proceedings, petitioners who have requested a peace order *may* be charged filing fees and costs, including the costs of service of process except where the parties are intimate partners. **42 U.S.C. §§ 3796gg-5(1)(a) and 3796hh(c)(4)**.

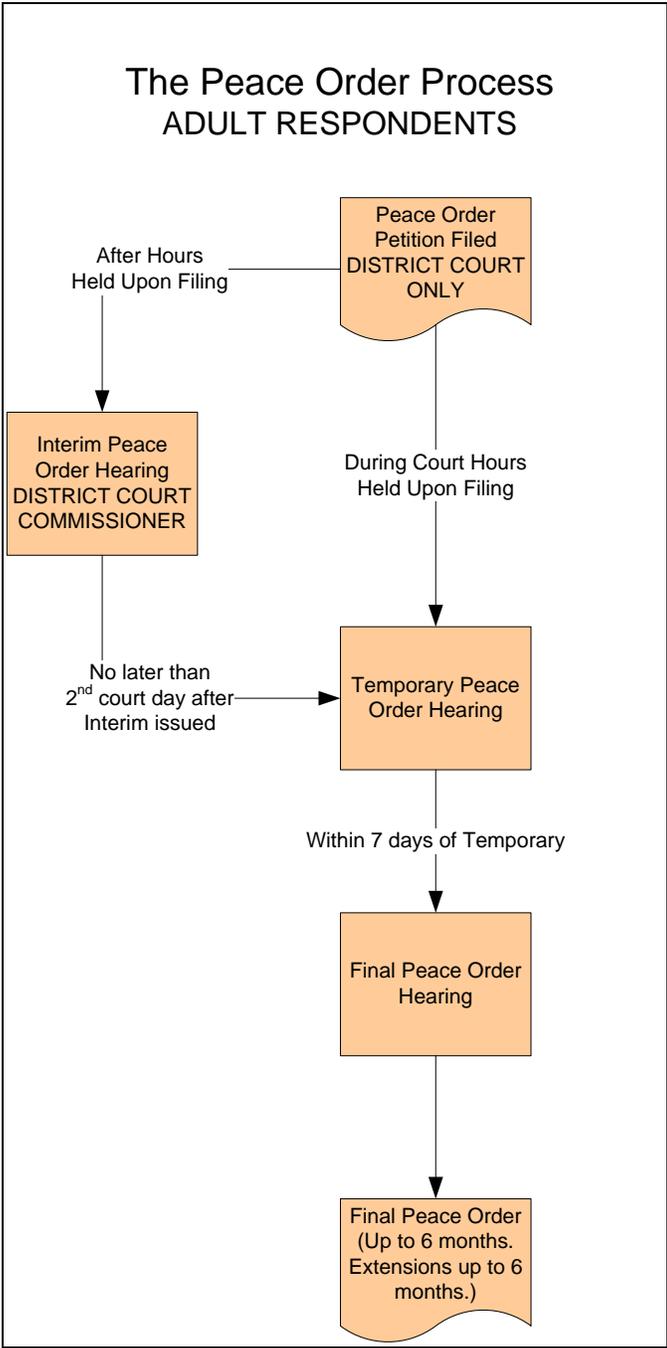
Where permitted, filing fees and costs may be assessed against *either party* as part of a final peace order. **Md. Code CJ § 3-1505(d)(vi)**.

c) The Petition

The petition for a peace order must be under oath and must include notice to the petitioner that an individual who knowingly provides false information in the petition is guilty of a misdemeanor and on conviction is subject to certain penalties. The petition also must include: 1) the petitioner’s address, subject to the provisions providing for non-disclosure of address in certain circumstances; 2) the nature and extent of the act for which the relief is being sought including information about past harm or injury; 3) any previous or pending court actions between the parties; and 4) the whereabouts of the respondent. **Md. Code CJ § 3-1503(b)**.

Penalty for Providing False Information. An individual who knowingly provides false information on a peace order petition is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$1000 or imprisonment not to exceed 90 days or both. **Md. Code CJ § 3-1503(d)**.

Figure 4. Flowchart of the Peace Order Process (Adult Respondents)



4.2 Interim Peace Order

a) When Can a Petitioner Obtain an Interim Peace Order?

A peace order petition can be filed with a District Court commissioner only during those times when the District Court Clerk's Office is closed. **Md. Code CJ § 3-1503.1(a)**. Only a commissioner can issue an interim peace order. The purpose of the interim peace order is to ensure that victims can obtain protection 24 hours per day, 7 days per week.

b) The Interim Peace Order Hearing

The interim peace order hearing may be an *ex parte* proceeding, conducted by a commissioner upon filing of a peace order petition against an adult respondent.

Although **Md. Rule 1-351** generally requires notice to all other parties before a request for an *ex parte* order can be granted, there is an exception when an *ex parte* application is expressly provided for by statute, as it is for peace order requests. **Md. Code FL § 1-203(a)(2)**.

If there are conflicting petitions for peace orders, both should be heard.

c) Standard of Proof

If the commissioner finds that there are “reasonable grounds” to believe the respondent has committed an act of abuse as defined in the statute within 30 days before the filing of the petition the commissioner may grant an interim peace order.

This is not a preponderance of the evidence standard; it is akin to probable cause. See *Reisterstown Lumber Co. v. Royer*, 91 Md. App. 746, 605 A.2d 980, cert. denied, 327 Md. 626, 612 A.2d 257 (1992).

d) Evidence

Evidence of past harm or injury resulting from acts proscribed by the statute is admissible. **Md. Code CJ § 3-1503(b)(iii)(1)** specifically asks the petitioner to disclose on the petition information known about harm or injury resulting from past acts.

e) Contents of the Interim Peace Order

Md. Code CJ § 3-1503.1(d) specifies the contents of the order. The interim peace order must state:

- The type and duration of the relief being granted;
- The date, time and location of the temporary peace order hearing;
- The tentative date, time and location of the final peace order hearing;
- Certain required notices to the petitioner and respondent; and
- The phone number of the Office of the District Court Clerk.

Forms of Relief. The interim peace order may include any of the following types of relief as found in **Md. Code FL § 3-1503.1(c)**:

- **Refrain from committing or threatening to commit proscribed acts.** These acts are specified in **Md. Code CJ § 3-1503(a)** as:
 - An act that causes serious bodily harm;
 - An act that places the petitioner in fear of imminent serious bodily harm;
 - Assault in any degree;
 - Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308**.
 - False imprisonment;
 - Harassment under **Md. Code CR § 3-803**.
 - Stalking under **Md. Code CR § 3-802**.
 - Trespass under **Md. Code CR § 6-401et seq.**
 - Malicious destruction of property under **Md. Code CR Law § 6-301**.

- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner.

- **Stay away – residence.** Order the respondent to refrain from entering the residence of the petitioner.

- **Stay away – job, school, temporary residence.** Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner.

Duration of Order. An interim peace order is intended to be a very short remedy, of sufficient duration only until the case can be heard before a judge for a temporary peace order hearing. The interim peace order is effective until the first of two events happens, whichever is earlier: 1) the temporary peace order hearing; or 2) the end of the second business day the District Court Clerk’s Office is open following the issuance of the interim order. **Md. Code CJ § 3-1503.1(g)**.

The temporary peace order hearing must be held no later than the 2nd day the District Court is open after the interim order issued, unless the judge continues the hearing for good cause. **Md. Code CJ § 3-1503.1(d)(1)(ii)**.

f) Subsequent Duties of Commissioner

When the commissioner issues an interim peace order, the commissioner must immediately send a copy of the petition and order to the appropriate law enforcement agency for service on the respondent and transfer the case file and the return of service, if any, to the Office of the District Court Clerk before the next hearing. **Md. Code CJ § 3-1503.1(e)**.

g) Service

The law enforcement agency executing service will vary from jurisdiction to jurisdiction. (Appendix A) **Md. Code CJ § 3-1503.1(f)** requires the law enforcement officer to serve the petition and interim order on the respondent immediately upon receiving the documents. The officer likewise is required immediately to file a return of service with the commissioner or, during normal court hours, with the District Court Clerk’s Office.

4.3 Temporary Peace Order

a) Impact of Prior Interim Peace Order

When a commissioner issues an interim peace order, the commissioner must schedule the temporary peace order hearing before the District Court no later than the 2nd day the District Court is in session after the order was issued.

If no interim peace order was granted, then the temporary peace order hearing is held as soon as possible on the day the petition is filed during normal court hours.

A decision of a commissioner to grant an interim peace order is not binding on a judge hearing the temporary or final peace order hearing. **Md. Code CJ § 3-1503.1(h)**.

b) The Temporary Peace Order Hearing

The temporary peace order hearing is a proceeding, often heard *ex parte*, conducted by a judge upon filing of the petition, or after an interim peace order hearing has been granted. The petition is emergency in nature, and clerks are instructed to bring a petition to the attention of a judge as soon as possible, with the expectation that the judge will hear the matter in an expeditious manner.

Although **Md. Rule 1-351** generally requires notice to all other parties before a request for an *ex parte* order can be granted, there is an exception when an *ex parte* application is expressly provided for by statute, as it is for peace orders.

If there are conflicting petitions for peace orders, both shall be heard.

The temporary peace order hearing shall be on the record.

c) Standard of Proof

If the commissioner finds that there are “reasonable grounds” to believe the respondent has committed an act of abuse as defined in the statute within 30 days before the filing of the petition the commissioner may grant an interim peace order.

This is not a preponderance of the evidence standard; it is akin to probable cause. See Reisterstown Lumber Co. v. Royer, 91 Md. App. 746, 605 A.2d 980, cert. denied, 327 Md. 626, 612 A.2d 257 (1992).

d) Evidence

Evidence of past harm or injury resulting from acts proscribed by the statute is admissible. **Md. Code CJ § 3-1503(b)(iii)(1)** specifically asks the petitioner to disclose on the petition information known about harm or injury resulting from past acts.

e) Contents of the Temporary Peace Order

Md. Code CJ §§ 3-1504, 3-1505 and 3-1507 specify the contents of the order. The temporary peace order must state:

- The type and duration of the relief being granted;
- The date, time and location of the final peace order hearing; and

- Notices required by federal and state law.

Forms of Relief. The temporary peace order may include any of the following types of relief as specified in **Md. Code CJ § 3-1504(a)(2)**:

- **Refrain from committing or threatening to commit proscribed acts.** These acts are specified in **Md. Code CJ § 3-1503(a)** as:
 - An act that causes serious bodily harm;
 - An act that places the petitioner in fear of imminent serious bodily harm;
 - Assault in any degree;
 - Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308**.
 - False imprisonment;
 - Harassment under **Md. Code CR § 3-803**.
 - Stalking under **Md. Code CR § 3-802**.
 - Trespass under **Md. Code CR § 6-401 Et seq.**
 - Malicious destruction of property under **Md. Code CR § 6-301**.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner.
- **Stay away – residence.** Order the respondent to refrain from entering the residence of the petitioner.
- **Stay away – job, school, temporary residence.** Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner.

Duration of the Order. The temporary peace order is effective for not more than 7 days after service of the order. The judge may extend the temporary peace order as needed, up to a total of 30 days. **Md. Code CJ § 3-1504(c)(2)**.

f) Service

The law enforcement agency executing service will vary from jurisdiction to jurisdiction. (Appendix A) **Md. Code CJ § 3-1504(b)** requires the law enforcement officer to serve the temporary protective order on the respondent immediately upon issuance. A respondent who has been served with an interim peace order can be served the temporary peace order in open court, or if not present, by first-class mail at the respondent's last known address.

g) Extension of the Temporary Peace Order

A temporary peace order is in effect for up to 7 days after service. **Md. Code CJ § 3-1504(c)**. The statute provides that the order shall be extended up to a total of 30 days, to effectuate service of the order where necessary to provide protection or for other good cause. If the court is closed on the day on which the temporary peace order is due to expire, the temporary peace order shall be effective until the second day on which the court is open, by which time the court shall hold a final peace order hearing.

h) Advancing Directly to a Final Peace Order Hearing

The court may proceed with a final peace order hearing instead of a temporary peace order hearing if the respondent appears at the hearing, the respondent has been served with an interim peace order, or the court otherwise has personal jurisdiction over the respondent, AND the petitioner and respondent expressly consent to waive the temporary peace order hearing. **Md. Code FL § 3-1504(d)**. No, one including the court should pressure the parties to go forward with a final peace order hearing.

4.4 Final Peace Order

a) Final Peace Order Hearing

A respondent has a right to have an opportunity to be heard on the question of whether or not the judge should issue the final peace order. **Md. Code CJ § 3-1505(a)**.

The hearing on the final peace order must be held no later than 7 days after the temporary peace order is served on the respondent, unless continued for good cause. **Md. Code CJ § 3-1505(b)**.

If the respondent is not served and does not appear, the court may continue the temporary order for not more than a total of 30 days to effectuate service or for other good cause. **Md. Code CJ § 3-1504(c)(2)**.

If the respondent appears or has been served with an interim or temporary peace order, or the court otherwise has personal jurisdiction over the respondent, the judge may proceed with the final peace order hearing.

b) Standard of Proof

If the judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, an act proscribed by the statute against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. **Md. Code CJ § 3-1505(c)(1)(ii)**.

c) Evidence

Evidence of past harm or injury resulting from acts proscribed by the statute is admissible. **Md. Code § 3-1503(b)(iii)(1)** specifically asks the petitioner to disclose on the petition information known about harm or injury resulting from past acts.

Placing Documents Under Seal. It is important to ensure that documents that may have identifying information or confidential information be properly placed under seal. These may include financial statements, evaluations, medical or psychological reports, records from a hospital, physician, psychologist or other professional health care provider or any document that otherwise contains medical or psychological information about an individual. **Md. Rule 16-1006**.

d) Contents of the Final Peace Order

Md. Code CJ § 3-1505 and 3-1507 specify the contents of the order. The final peace order must include:

- The types and duration of the relief being granted; and
- Certain required notices.

Forms of Relief. The final peace order may include any of the following types of relief as specified in **Md. Code CJ § 3-1505(d)**:

- **Refrain from committing or threatening to commit proscribed acts.** These acts are specified in **Md. Code CJ § 3-1503(a)** and include the following:
 - An act that causes serious bodily harm;
 - An act that places the petitioner in fear of imminent serious bodily harm;
 - Assault in any degree;
 - Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308**.
 - False imprisonment;
 - Harassment under **Md. Code CR § 3-803**.
 - Stalking under **Md Code CR § 3-802**.
 - Trespass under **Md. Code CR § 6-401ff**.
 - Malicious destruction of property under **Md. Code CR § 6-301**.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner.
- **Stay away – residence.** Order the respondent to refrain from entering the residence of the petitioner.
- **Stay away – job, school, temporary residence.** Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner.
- **Counseling or Mediation.** Direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation.

Mediation or Joint Counseling. Note that both parties must agree to participate in mediation, i.e., it must be a voluntary process. **If the case involves intimate partners**, e.g., individuals in a dating relationship who do not qualify for a protective order and thus are using the mechanism of the peace order to seek protection, is inappropriate to order the parties to participate together in either joint counseling or mediation. Requiring intimate partners to participate together where there has been a history of violence may place the parties unnecessarily at further risk of harm.

Fees and Costs. Order either party to pay filing fees and costs of a peace order proceeding. Note that in peace order cases where the parties are intimate partners, the Violence Against Women Act precludes the charging of fees. **42 U.S.C. §§ 3796gg-5(1)(a) and 3796hh(c)(4)**.

Note: According to the Office of Violence Against Women (OVW) and the Violence Against Women Act (VAWA) definition of protective order (Any injunction, *restraining order, or any other order issued by a civil or criminal court* for the purpose of preventing violent or threatening acts or harassment against, *sexual violence*, or contact or communication with or physical proximity to, another person, including any

temporary or final order issued by a civil *or criminal* court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil *or criminal* order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and, etc) The Maryland Peace Order when issued to intimate partners is a “protection order” under Federal law and fees or costs must not be assessed to the petitioner. Charging for intimate partner peace orders may result in loss of OVW funding for the entire state.

Duration of Order. A final peace order may be effective for a period not to exceed 6 months. **Md. Code CJ § 3-1505(f).** They may be modified for good cause for an additional 6 months after certain conditions are met. **Md. Code CJ § 3-1506**

POLICY STATEMENT. To consistently order a duration of 3 months or some other arbitrary length of time less than the statutory maximum regardless of the facts of the case constitutes a policy. The concern there is to do what is reasonably necessary – *no more and no less* – to assure the safety and well-being of those entitled to relief. . *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122, 775 A.2d 1249 (2001).

Required Notices. Certain notices are required in each final peace order. **Md. Code CJ § 3-1507.** These include:

- A statement that a violation of the order may result in criminal prosecution and imprisonment or fine or both.
- A statement that a violation of the order may result in a finding of contempt.

e) Relief Limited to Petitioner

A final peace order may be issued only to a person who has filed the peace order petition. **Md. Code CJ § 3-1505(c)(2).** In other words, the court may not, after taking testimony, decide to award a peace order to the respondent based on the evidence, unless the respondent was also a petitioner.

f) Mutual Final Peace Orders

A judge may issue mutual peace orders only if the judge finds by a preponderance of the evidence that each party has committed, and is likely to commit in the future, an act proscribed by the statute against the other party. **Md. Code CJ § 3-1505(c)(3).**

g) Service

A copy of the final peace order must be served on the petitioner, the respondent, the appropriate law enforcement agency, and any other person the judge determines is appropriate in open court. A person who is not present at the final peace order hearing is to be served by first class mail by the clerk at the person’s last known address. Such service upon the respondent is considered actual notice to the respondent of the contents of the peace order. Service is complete upon mailing. **Md. Code CJ § 3-1505(e).**

4.5 Enforcement of Peace Orders

a) Order

To be enforceable under State law, the peace order must include certain required notices. These are outlined in Sections 4.2(e), 4.3(e) and 4.4(d). To ensure these notices are properly included, it is highly recommended that the court use the form orders provided for interim, temporary and final peace orders.

b) Types of Enforcement Remedies

There are different types of enforcement mechanisms available when a peace order has been violated. **Md. Code CJ § 3-1508(a)** establishes **criminal** penalties for the violation of an interim, temporary or final peace order.

The court also can use its authority to impose **criminal or civil contempt** when a respondent violates an order.

Finally, an individual who, in violating a peace order, engages in criminal action may be charged with a new substantive offense (e.g. assault, trespass, malicious destruction of property, or stalking etc.).

c) Arrest and Criminal Prosecution

Arrest in Maryland is mandatory if a law enforcement officer has probable cause to believe that a violation of the current interim, temporary or final peace order has occurred. **Md. Code CJ § 3-1508(c)**. An arrest may be made with or without a warrant.

A person who fails to comply with the relief granted in an interim or temporary peace order is guilty of a misdemeanor. Persons who violate certain provisions of a final peace order are also guilty of a misdemeanor. **Md. Code CJ § 3-1508**. The provisions of a final peace order, which may trigger criminal prosecution, include the following:

- Refrain from committing or threatening to commit proscribed acts;
- No contact or harassment provisions;
- Stay away – residence; and
- Stay away – job, school, temporary residence.

Note that provisions of a final peace order requiring the respondent or petitioner to participate in counseling or mediation, and provisions regarding final fees and costs will not incur criminal penalties.

Penalties. Upon a first conviction a person found guilty of a misdemeanor under **Md. Code CJ § 3-1508(a)** will be subject, to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days or both. For a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both. For the purpose of second or subsequent offender penalties a prior conviction under 4-509 of the Family Law Article shall be considered a conviction under this section. **Md. Code CJ § 3-1508(b)**.

Repeated calls may constitute separate acts. Although not controlling, the interpretation of a similar provision in the protective order statute led to a finding that repeated phone calls in violation

of a no contact provision constituted separate acts. *Triggs v. State*, 382 Md. 27, 852 A.2d 114 (2004) (When a protective order requires an abuser to have “no contact” with a victim, repeated calls constitute separate acts for the purposes of the provisions requiring penalties “for each offense” in Md. Code FL § 4-509 .)

d) Use of Civil and Criminal Contempt to Enforce Peace Orders

The court may hold an individual in civil or criminal contempt for failing to follow a peace order. This remedy may be necessary, for example, to enforce those provisions that, if violated, trigger no criminal penalty (e.g., provisions that require the respondent to participate in counseling or mediation or pay court costs).

Constructive Civil Contempt. The use of constructive civil contempt is governed by **Md. Rules 15-206** and **15-207**.

The purpose of **civil contempt** is to preserve and enforce the rights of private parties to a suit. It is remedial in nature and is intended to compel obedience to orders primarily made to benefit private parties. There must exist an ability to meet a purge requirement before civil contempt can be imposed. *Baltimore v. Baltimore*, 89 Md. App. 250, 253, 597 A.2d 1058 (1991), quoting *Fields v. Fields*, 74 Md. App. 628, 635, 539 A.2d 708 (1988).

Constructive Criminal Contempt. The use of constructive criminal contempt is governed by **Md. Rules 15-205** and **15-207**.

The purpose of **criminal contempt** is to address conduct, which is directed against the dignity and authority of the court, or a judge; it is an act which obstructs the administration of justice and which tends to bring the court into disrepute or disrespect. It is used to punish the defendant for past misconduct, which may not necessarily be capable of remedy and requires proof beyond a reasonable doubt. Due process requirements apply. *Baker v. Baker*, 58 Md. App. 619, 473 A.2d 1325 (1984). There is a right to a jury trial in constructive criminal contempt proceedings, regardless of the sentence imposed. *Dorsey & Craft v. State*, 356 Md. 324, 739 A.2d 41 (1999).

4.6 Modification and Rescission of Peace Orders

The court may modify or rescind a peace order during the term of the peace order so long as the following has been provided:

1. Notice to the petitioner and the respondent; AND
2. A hearing.

For good cause shown, a judge may extend the terms of the peace order for six months beyond the original period specified after:

1. Notice to the petitioner and the respondent; AND
2. A hearing.

If during the term of a peace order, a petitioner files a motion to extend the term of the order the court shall hold a hearing on the motion within 30 days after the motion is filed. If the hearing is scheduled after the original expiration date of the final peace order, the court

shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.

Md. Code CJ § 3-1506. Notice must be provided first before a hearing can be set in on the request for a modification or rescission. The court may **not** grant a modification or rescission as emergency or *ex parte* relief.

4.7 Appeals from Peace Order Proceedings

If a District Court judge grants or denies peace order relief, a respondent or petitioner may appeal to the circuit court in the jurisdiction where the District Court is located. **Md. Code CJ § 3-1506(b)(1).**

Appeals to the circuit court are heard *de novo*. **Md. Code CJ § 3-1506(b)(2).**

A District Court order remains in effect on appeal until superseded by a circuit court judgment and unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court. **Md. Code CJ § 3-1506(b)(3).**

4.8 Shielding of Denied or Dismissed Peace Order Records

a) Written Request

If a petition was denied or dismissed at any proceeding for a peace order the petitioner or respondent may file a written request to shield all court records related to the proceeding. **Md. Code CJ § 3-1510(b)(1).**

b) Timing

Petition cannot be filed within 3 years of the denial or dismissal unless a waiver of tort claims is filed with the petition.

c) Notice and Hearing

Upon petition, a hearing shall be scheduled and notice of the hearing must be given by the court to the other party or the other party's counsel of record.

At the hearing subject to certain exceptions the court shall shield the records if it finds:

1. Petition was denied or dismissed.
2. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and respondent.
3. The respondent has not been found guilty of a crime arising from an act described in § 3-1503(a) against the petitioner.
4. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent arising from an alleged act described in § 3-1503(a) against the petitioner.

The court on its own motion or on the objection of the other party may deny the shielding for good cause. In determining whether there is good cause the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

d) Access

The statute limits who can have access to shielded records. **Md. Code CJ § 3-1510(f)(1)** Any person without access can file by way of subpoena or motion a request for access to a record. In ruling whether said individual should have access to the record the court shall balance the person's need for access with petitioners or respondents right to privacy and the potential harm of unwarranted disclosure. **Md. Code CJ § 3-1510(f)(2)(iii)**.

e) Compliance

Within 60 days of entry of the order the custodian of records shall advise the court and the respondent in writing of compliance.

4.9 Shielding of Consented to Peace Order Records

a) Written Request

If a respondent consents to a peace order the petitioner or respondent may file a written request to shield all court records related to the proceeding at any time after the peace order expires. **Md. Code CJ § 3-1510(e)(1)(i)**.

b) Timing

Petition cannot be filed until the peace order expires.

c) Notice and Hearing

Upon petition, a hearing shall be scheduled and notice of the hearing must be given by the court to the other party or the other party's counsel of record.

At the hearing the court may shield the records if the court finds:

1. For cases in which the respondent requests shielding that the petitioner consents to the shielding.
2. That the respondent did not violate the order during its term.
3. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and respondent
4. The respondent has not been found guilty of a crime arising from an act described in § 3-1503(a) against the petitioner.
5. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent from an alleged act described in § 3-1503(a) against the petitioner.

In determining whether court records should be shielded the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the

petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

If the respondent consented to the entry of the peace order but the petitioner did not consent to shielding at the hearing the respondent may refile a written request for shielding after 1 year from the date of the hearing. Upon said petition a hearing shall be scheduled and notice must be given by the court to the other party or the other party's counsel of record.

At the hearing the court may shield the records if the court finds:

1. That the petitioner consents to the shielding or that the petitioner does not consent but that it is unlikely that the respondent will commit an act specified in § 3-1503(a) against the petitioner in the future.
2. That the respondent did not violate the peace order during its term.
3. No previous protective or peace order has been issued against the respondent in a proceeding between the petitioner and the respondent.
4. The respondent has not been found guilty of crime arising from an act described in § 3-1503(a) against the petitioner.
5. No pending interim or temporary protective or peace order exists against the respondent in a proceeding between the petitioner and respondent. That no pending criminal charges exist against the respondent from an alleged act described in § 3-1503(a).

In determining whether court records should be shielded the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and community.

d) Access

The statute limits who can have access to shielded records. **Md. Code CJ § 3-1510(f)(1)** Any person without access can file by way of subpoena or motion a request for access to a record. In ruling whether said individual should have access to the record the court shall balance the person's need for access with petitioners or respondents right to privacy and the potential harm of unwarranted disclosure. **Md. Code CJ § 3-1510(f)(2)(iii)**.

e) Compliance

Within 60 days of entry of the order the custodian of records shall advise the court and the respondent in writing of compliance.

5 PEACE ORDERS – JUVENILE RESPONDENTS

This section applies only to peace order proceedings involving juvenile respondents. For information on handling peace order proceedings involving adult respondents, see Section 4 above.

5.1 Preliminary Considerations

a) Jurisdiction

The circuit court sitting as a juvenile court has exclusive original jurisdiction over requests for peace orders where the respondent is a child. **Md. Code CJ § 3-8A-03**. The court does *not* have jurisdiction if the victim of the alleged act is also a *person eligible for relief* as defined in the domestic violence statute. **Md. Code FL § 4-501; Md. Code CJ § 3-8A-03(d)(6)**. This is because a peace order is only available when the victim is not a person eligible for relief under the domestic violence statute. **Md. Code FL § 4-501(b)**.

b) Venue and Transfer

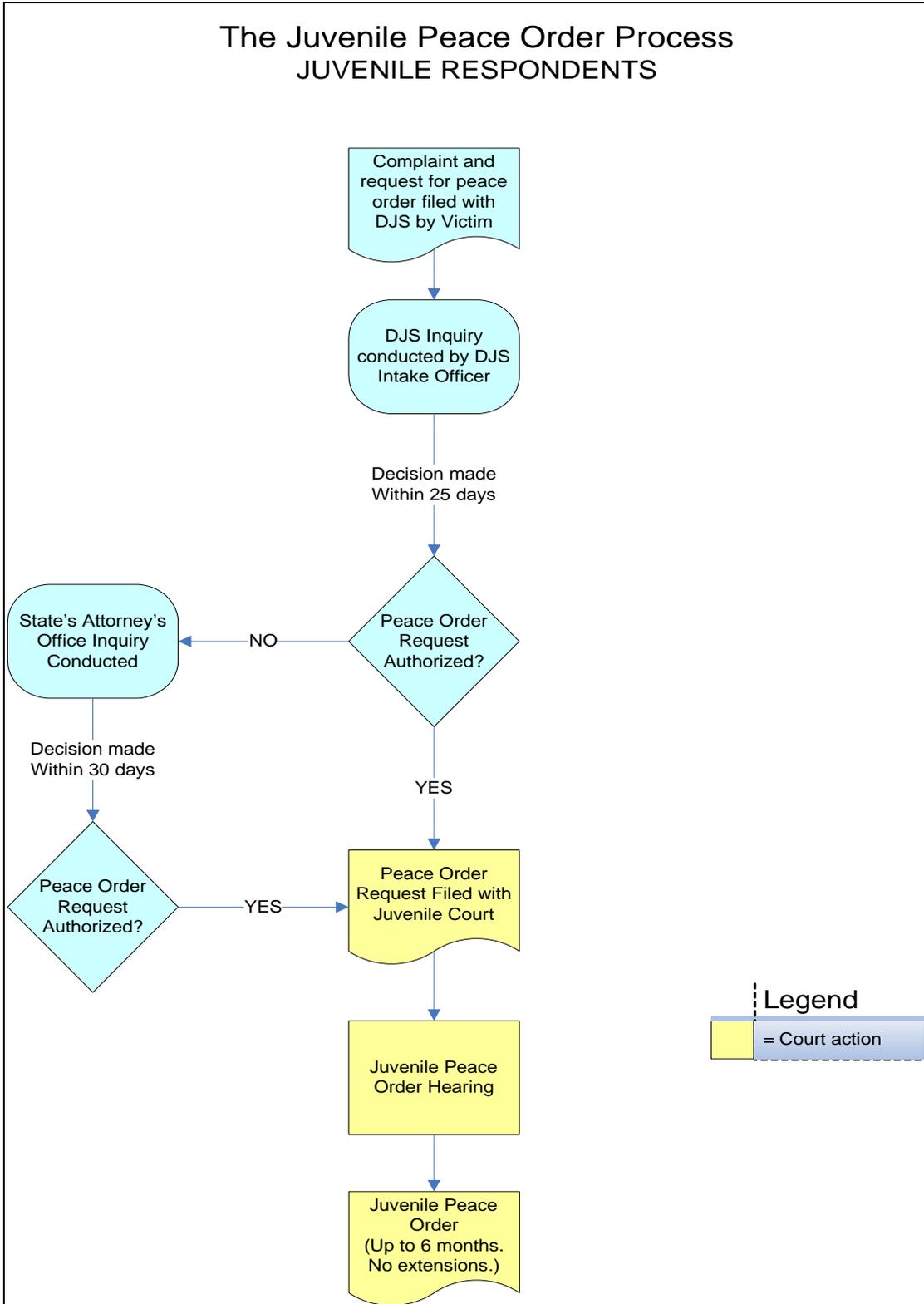
Peace order requests filed against juveniles must be filed in the jurisdiction where the alleged act occurred subject to transfer as provided in **Md. Code Ann. CJ § 3-8A-09**. **Md. Code CJ § 3-8A-08**.

If a peace order request is filed in a county other than the county where the child is living or domiciled, the court, on its own motion or on motion of a party, may transfer the proceedings to the county of residence or domicile any time prior to final termination of jurisdiction. All documents, social history, and record on file with the clerk must be transferred. **Md. Code CJ § 3-8A-09**.

c) Summary of the Juvenile Peace Order Process

Juvenile peace orders are substantively different from petitions for peace orders filed against adult respondents. They require the person seeking protection to file their request with the Department of Juvenile Services. From there, it is up to the Department and the local State's Attorney to determine how and whether the case proceeds. Because the person seeking protection does not file the petition, there are no provisions in the statute for protecting the address of the victim or for waiving costs.

Figure 5. Flowchart of the Juvenile Peace Order Process



The juvenile peace order normally involves several steps. Not all victim complaints result in a peace order request being filed with the court.

STEP 1 – Victim Files a Complaint. The victim may file a complaint with an intake officer with the Department of Juvenile Services (DJS).

STEP 2 – DJS Inquiry and Action – Filing of Peace Order Request. The DJS intake officer makes an inquiry as to whether the court has jurisdiction and whether judicial action is in the best interest of the public or the child. Within **25 days**, the intake officer may:

- Authorize the filing of a delinquency petition or peace order request or both;
- Propose an informal adjustment of the matter; OR
- Refuse authorization to file a delinquency petition or peace order request or both.

If the intake officer chooses not to file the delinquency petition or peace order request, the case then is forwarded to the State’s Attorney’s office.

STEP 3 – State’s Attorney Inquiry and Action – Filing of Peace Order Request. The State’s Attorney’s office then conducts an inquiry as to whether the court has jurisdiction and whether judicial action is in the best interest of the public or the child. Within **30 days**, the State’s Attorney may:

- File a delinquency petition, a peace order request or both;
- Refer the complaint to DJS for informal disposition; OR
- Dismiss the complaint.

STEP 4 – Peace Order Hearing. If a request has been filed, a hearing is held on the request after proper notice to the respondent. The respondent is not entitled to counsel.

d) No Shelter Care or Detention

Note that there are no provisions in the statute for detaining or placing in shelter care minor respondents against whom a request for a peace order has been filed.

e) No 24/7 Access to Protection for Victims – No Interim or Temporary Orders

Note that juvenile peace orders may be distinguished from peace orders filed against adult respondents in that requests may not be filed with the court after hours. There also are no provisions in the statute for issuing juvenile peace orders on an interim or temporary basis pending a final hearing.

5.2 Juvenile Peace Order Requests

a) Who Can File a Peace Order Request?

Only a DJS intake officer or the State's Attorney may file a request for a peace order against a minor child. **Md. Code CJ § 3-8A-19.1(b)**.

b) Form of the Request

The request must be filed in accordance with **Md. Code CJ § 3-8A-10(c)(3)**. The request must allege that the respondent committed any of the following acts against a victim within *30 days* before the complaint was filed with the DJS intake officer:

- An act that causes serious bodily harm.
- An act that places the victim in fear of imminent serious bodily harm.
- Assault in any degree.
- Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308**, or attempted rape or sexual offense in any degree.
- False imprisonment.
- Harassment under **Md. Code CR § 3-803**.

Harassment. "A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other: (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose." **Md. Code CR § 3-803**.

- Stalking under **Md. Code CR § 3-802**.

Stalking "means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1)(i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Md. Code CR §§ 3-303 through 3-308 or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) or death; or (2) that a third person likely will suffer any of the acts listed in item (1) of this subsection." **Md. Code CR § 3-802**.

- Trespass under **Md. Code CR §§ 6-401 through 6-410**.
- Malicious destruction of property under **Md. Code CR § 6-301**.

5.3 Assistance of Counsel

a) No Right to Counsel

Minors against whom a peace order request have been filed are not entitled to the assistance of counsel at a peace order proceeding. **Md. Code CJ § 3-8A-20(d)**.

Minors may be entitled to the assistance of counsel in a contempt proceeding as provided by law.

5.4 Juvenile Peace Order Hearings

a) Right to be Heard

A juvenile respondent has a right to have an opportunity to be heard on the question of whether or not the judge should issue the final peace order. **Md. Code CJ § 3-8A-19.2(b)**.

There are no statutory timeframes for when the hearing is to be held. The statute only provides that appropriate notice be provided pursuant to **Md. Code CJ § 3-8A-10(d)(4)**.

If the respondent does not attend the hearing after notice and an opportunity to be heard, the court may issue the peace order and effect service by mail. **Md. Code CJ § 3-9A-19.3**.

b) Standard of Proof

If the court finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, an act proscribed by the statute against the victim, or if the respondent consents to the entry of a peace order, the court may issue a peace order to protect the victim. **Md. Code CJ § 3-8A-19.2(a)(2)**.

c) Contents of the Juvenile Peace Order

Md. Code CJ § 3-8A-19.2(c) specifies the content of the order, which must include only the duration and type of relief granted, and any imposition of costs. There are no required notices.

Forms of Relief. A juvenile peace order may include any of the following types of relief as specified in **Md. Code CJ § 3-8A-19.2(c)**:

- **Refrain from committing or threatening to commit proscribed acts.** These acts are specified in **Md. Code CJ § 3-8A-19.1(b)** and include the following:
 - An act that causes serious bodily harm;
 - An act that places the victim in fear of imminent serious bodily harm;
 - Assault in any degree;
 - Rape or sexual offense under **Md. Code CR §§ 3-303 through 3-308**.
 - False imprisonment;
 - Harassment under **Md. Code CR § 3-803**.
 - Stalking under **Md Code CR § 3-802**.
 - Trespass under **Md. Code CR § 6-401et seq.**
 - Malicious destruction of property under **Md. Code CR § 6-301**.
- **No contact.** Order the respondent to refrain from contacting, attempting to contact, or harassing the victim.
- **Stay away – residence.** Order the respondent to refrain from entering the residence of the victim.

- **Stay away – job, school, temporary residence.** Order the respondent to remain away from the place of employment, school, or temporary residence of the victim.
- **Counseling.** Direct the respondent or victim to participate in professionally supervised counseling.

Joint Counseling. If the case involves intimate partners, e.g., individuals in a dating relationship who do not qualify for a protective order and are thus using the mechanism of the peace order to seek protection, it may be inappropriate to require the parties to participate together in joint counseling. Requiring intimate partners to participate together where there has been a history of violence may place the parties unnecessarily at further risk of harm.

- **Fees and Costs.** Impose reasonable court costs against a respondent, or the respondent’s parent, guardian or custodian.

Duration of Order. A juvenile peace order may be effective for a period not to exceed 6 months. **Md. Code CJ § 3-8A-19.2(c)(3).** Unlike protective orders or adult peace orders, a juvenile peace order cannot be extended beyond that time period.

d) Service

A copy of the juvenile peace order must be served on the victim, the respondent, the appropriate law enforcement agency, and any other person the court determines is appropriate, in open court, or if the person is not present at the peace order hearing, by first-class mail to the person’s last known address. Such service upon the respondent is considered actual notice to the respondent of the contents of the peace order. Service is complete upon mailing. **Md. Code CJ § 3-8A-19.3.**

5.5 Enforcement of Juvenile Peace Orders

a) Child to be Taken Into Custody

A law enforcement officer must take a child into custody if the officer has probable cause to believe the child is in violation of a current peace order. **Md. Code CJ § 3-8A-19.5(b).**

b) Violation is a Delinquent Act

A violation of certain provisions of a juvenile peace order is a delinquent act. **Md. Code CJ § 3-8A-19.5(a).** The provisions of a juvenile peace order that may trigger the filing of a delinquency petition are:

- Refrain from committing or threatening to commit proscribed acts;
- No contact or harassment provisions;
- Stay away – residence; and
- Stay away – job, school, temporary residence.

Note that provisions of a juvenile peace order requiring the respondent or victim to participate in counseling, and provisions regarding court costs will not trigger the filing of a delinquency petition.

5.6 Modification or Rescission of a Juvenile Peace Order

The court may modify or rescind a juvenile peace order during the term of the peace order so long as the following has been provided:

1. Notice to the victim and the respondent; and
2. A hearing.

Md. Code CJ § 3-8A-19.4. Notice must be provided first before a hearing can be set on the request for a modification or rescission.

6 Domestic Violence Central Repository

The Domestic Violence Central Repository (DVCR) is a statewide civil protective and peace order database. It contains all civil protective and peace orders including juvenile peace orders issued by Circuit and District Court Judges and Commissioners in any Maryland jurisdiction. This includes all interim, temporary and final orders. The DVCR is a secure near real-time web accessible database. The Maryland Protective/Peace Order Application (MPPA) is the interface used to access the DVCR orders section. The DVCR also produces reports from information contained in protective and peace orders. The DVCR facilitated Maryland's first experience with electronic orders. It allows Court personnel to perform quick, comprehensive searches, which improve communication and eliminate conflicting or simultaneous orders between District and circuit courts that share concurrent jurisdiction over domestic violence cases. Access to the MPPA allows Maryland courts and law enforcement agencies access to order data and imaged copies of the actual order itself. The adobe or PDF of the order may be viewed and printed for official use. **The use of this Judiciary system is for Court and Law Enforcement purposes only.**

It is imperative that all orders be entered into the respective Court input systems (UCS, ACS or DV Courtroom/Office).

POLICY STATEMENT. One of the purposes of the Maryland Protective/Peace Order Application is to eliminate conflicting or simultaneous orders. In the past when a petitioner or respondent is not satisfied with the decision in one court or jurisdiction, he or she will file in another court or jurisdiction. When the DVCR is checked and a conflicting order is found, please refer the party to the issuing jurisdiction to file a competing petition or an appeal.

**APPENDIX A
LAW ENFORCEMENT AGENCIES
EXECUTING SERVICE BY JURISDICTION**

Allegany County

Sheriff's Department
695 Kelly Road
Cumberland, MD 21502
301-777-1585
301-777-5959

Anne Arundel County

Anne Arundel County Sheriff's Office
P.O. Box 507
Annapolis, MD 21404
410-222-1490

Baltimore City-Circuit Court

Sheriff's Office
100 North Calvert Street, Room 104
Baltimore, MD 21202
410-396-5826

Baltimore City-District Court

The respective Police District

Baltimore County-Circuit Court

Sheriff's Office
County Courts Building
401 Bosley Avenue
Towson, MD 21204
410-887-2031

Baltimore County-District Court

Baltimore County Police Department
Public Safety Building
700 East Joppa Road
Towson, MD 21286
410-887-2222 (911 Relay to any District Police Station)

Calvert County

Sheriff's Department
30 Church Street
Prince Frederick, MD 20678
410-535-2800

Caroline County
Sheriff's Department
101 Gay Street
Denton, MD 21629
410-479-2515

Carroll County
Sheriff's Department
100 North Court Street
Westminster, MD 21157
410-386-2900

Cecil County (Sheriff's Department usually does them and sometimes the local police if necessary)
Sheriff's Department
Upper Chesapeake Corporate Center
107 Chesapeake Blvd., Suite 112
Elkton, MD 21921
410-996-5508

Charles County
Sheriff's Office
Headquarters
6915 Crain Highway
LaPlata, MD 21921
301-932-2222

Dorchester County
Sheriff's Department
829 Fieldcrest Road
Cambridge, MD 21613
410-228-4142

In Cambridge
Cambridge Police Department
410 Academy Street
Cambridge, MD 21613

Frederick County
Sheriff's Department
110 Airport Drive, East
Frederick, MD 21701
301-600-2162 Circuit Court
301-600-2152 District Court

Garrett County
Sheriff's Office
311 East Adler Street
Oakland, MD 21550
301-334-1911 Dispatch
301-334-5055 Jail

Harford County
Sheriff's Department
45 South Main Street
Bel Air, MD 21014
410-836-5450

Howard County
Sheriff's Department (Most mail goes here)
Sunday night 11:00 p.m. to Friday night 11:00 p.m.
HCPD all other times
8360 Court Avenue
Ellicott City, MD 21043
410-313-2150, Fax 410-313-2738

Howard County Police Dept (Northern District)
3410 Courthouse Drive
Ellicott City, MD 21043
410-313-3200
or
11226 Scaggsville (Southern District)
Laurel, MD 20723
410-313-3700

Kent County
Sheriff's Office
104 Vickers Drive, Unit B
Chestertown, MD 21620
410-778-2279

Montgomery County
Sheriff's Department
50 Maryland Avenue
Rockville, MD 20850
240-777-7000

Prince George's County
Sheriff's Department
5303 Chrysler Way
Upper Marlboro, MD 20772
301-780-8500

Queen Anne's County
Sheriff's Department
505 Railroad Avenue
Centreville, MD 21617
410-758-8430

St. Mary's County
Sheriff's Office
23150 Leonard Hall Drive
Leonardtown, MD 20650
301-475-8008

Somerset County
Sheriff's Department
30426 Sam Barnes Road
Westover, MD 21871
410-651-9225

Talbot County
Sheriff's Department
115 West Dover Street
Easton, MD 21601
410-882-1020, Fax 410-770-8110

Washington County
Sheriff's Department
500 Western Maryland Parkway
Hagerstown, MD 21740
240-313-2100

Within the municipal limits of Hagerstown:
Now has a Joint Warrant Task Force that handles Hagerstown as well
Hagerstown City Police Department
50 North Burhans Boulevard
Hagerstown, MD 21740
301-790-3700

Wicomico County
Sheriff's Department
401 Naylor Mill Road
Salisbury, MD 21801
410-548-4891

Worcester County
Sheriff's Department
1 West Market Street, Room 1001
Snow Hill, MD 21863
410-632-1111

District Court Districts

D1 = Baltimore City
D2 = Dorchester, Somerset, Worcester, Wicomico Counties
D3 = Caroline, Cecil, Kent, Queen Anne's and Talbot Counties
D4 = Calvert, Charles and St. Mary's Counties
D5 = Prince George's County
D6 = Montgomery County
D7 = Anne Arundel County
D8 = Baltimore County
D9 = Harford County
D10 = Carroll and Howard Counties
D11 = Frederick and Washington Counties
D12 = Allegany and Garrett Counties

APPENDIX B

Who to Call in Neighboring States Administrative Office of the Courts in Neighboring States

State	Telephone
DELAWARE	(302) 255-0300
DISTRICT OF COLUMBIA	(202) 879-0157
PENNSYLVANIA	YWCA addresses all Domestic Violence Issues (215) 686-1776 Philadelphia-Ask For Family Court
VIRGINIA	1 (800) 838-8238 24 Hour Line - you will be prompted for the Jurisdiction*
WEST VIRGINIA	(304) 965-3552

* Virginia Sexual and Domestic Violence Action Alliance

**APPENDIX C - CIRCUIT COURT FAMILY SUPPORT SERVICES COORDINATORS
& FAMILY DIVISION ADMINISTRATORS**

<u>Jurisdiction</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-mail</u>
Allegheny County	Linda A. Pecoraro Family Support Services Coordinator	30 Washington Street Cumberland, MD 21502	301-777-2102	301- 777- 2055	linda.pecoraro@courts.state.md.us
Anne Arundel County	Jennifer Cassel Family Law Administrator Holly Hutchins Family Law Services Coordinator	P.O. Box 2395 Annapolis, MD 21404-2395 Physical Address is: 7 Church Circle, Annapolis MD 21401	410-222-1448 410-222-1210	410- 222- 1584	ctcass00@aacounty.org cthutc00@aacounty.org
Baltimore City	T. Sue German Family Division Administrator	111 North Calvert Street Room 108 Baltimore, MD 21202	410-396-3648	410- 545- 6131	sue.german@courts.state.md.us
Baltimore County	Mary McNeish Stengel, LCSWC Family Support Services Coordinator	401 Bosley Avenue, Rm 515 Towson, MD 21204	410-887-6086	410- 887- 8617	mmstengel@baltimorecountymd.gov
Calvert County	Rose Naughton Family Support Services Coordinator	175 Main Street Prince Frederick, MD 20678	410-535-1600 ext. 2516	410- 414- 2609	rose.naughton@mdcourts.gov
Caroline County	John Cambardella Family Support Services Coordinator	Courthouse 109 Market Street, Room 200 Denton, MD 21629	410-479-2303 Dir. 5735	410- 479- 4072	john.cambardella@courts.state.md.us
Carroll County	Powel Welliver Family Law Administrator	55 N. Court Street, Suite 208 Courthouse Annex Westminster, MD 21157	410-386-2401	410- 751- 5339	pwelliver@ccg.carr.org
Cecil County	Nolanda Kirby Family Support Services Coordinator	Courthouse 129 East Main Street Room 106 Elkton, MD 21922-2321	410-996-1157	410- 996- 5625	nolanda.kirby@courts.state.md.us
Charles County	Juliana Davis Family Services Director	200 Charles Street P.O. Box 3000 La Plata, MD 20646	301-932-3426	301- 932- 3278	Juliana.davis@mdcourts.gov
Dorchester County	Jessica Milligan Family Support Services Coordinator	206 High Street, Room 203 Cambridge, MD 21613	410-228-1395	410- 228- 3775	jessica.milligan@mdcourts.gov
Frederick County	Lynn Macpherson Family Support Services Coordinator	100 W. Patrick Street Frederick, MD 21701	301-600-2023	301- 600- 1446	blmacpherson@frederickcountymd.gov
Garrett County	Randy Whitaker Family Support Services Coordinator	205 S. Fourth Street Courthouse Oakland, MD 21550	301-334-7602	301- 334- 5042	randy.whitaker@courts.state.md.us

<u>Jurisdiction</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>e-mail</u>
Harford County	Karen Tracy Family Support Services Coordinator	20 W. Courtland Street Bel Air, MD 21014	410-638-3038	410-638-9589	karen.tracy@courts.state.md.us
Howard County	Karin Wilson Family Support Services Coordinator	8360 Court Avenue Ellicott City, MD 21043	410-313-2225	410-313-3192	karin.wilson@mdcourts.gov
Kent County	Marina Fevola Family Support Services Coordinator	103 N. Cross Street Chestertown, MD 21620	410-810-1059	410-778-7412	marina.fevola@mdcourts.gov
Montgomery County	Madeleine Jones Family Division Coordinator	50 Maryland Avenue Rockville, MD 20850	240-777-9061	240-777-9085	mjones@mcccourt.com
Prince George's County	Lionel Moore Director of Family Division Patricia E. Gindlesberger Family Support Services Coordinator	14735 Main Street Courthouse, Room M1420 Upper Marlboro, MD 20772	301-952-3024 General # 301-780-8000 301-952-3477	301-780-2057	lmoore@co.pg.md.us pegindlesberger@co.pg.md.us
Queen Anne's County	Rebecca Williams Family Support Services Coordinator	100 Courthouse Square Centreville, MD 21617	410-758-1773 ext. 128	410-758-4627	rebecca.williams@mdcourts.gov
St. Mary's County	Linda Grove Family Support Services Coordinator	41605 Courthouse Drive P.O. Box 859 Leonardtown, MD 20650	301-475-7844 x4110	301-475-4682	linda.grove@co.saint-marys.md.us
Somerset County	Karen Brimer Family Support Services Coordinator	P.O. Box 279 30512 Prince William Street Princess Anne, MD 21853	410-621-7582	410-621-7595	karen.brimer@mdcourts.gov
Talbot County	Barbara Mitchell Family Support Services Coordinator	Court House 11 N Washington Street Easton, MD 21601	410-770-6806	410-770-6802	barbara.mitchell@mdcourts.gov
Washington County	Amie M. Spigler Family Support Services Coordinator	24 Summit Avenue Room 111 Hagerstown, MD 21740	240-313-2580	240-313-2541	amie.spigler@mdcourts.gov
Wicomico County	Lauren Cooper Family Support Services Coordinator	P.O. Box 886 102 Court Street Salisbury, MD 21803-0886	410-548-7107	410-334-3177	lauren.cooper@mdcourts.gov
Worcester County	Anne Turner Family Support Services Coordinator	Courthouse – Room 101 One W. Market Street Snow Hill, MD 21863-1082	410-632-5638	410-632-5603	anne.turner@mdcourts.gov



Governor's Family Violence Council

300 E. Joppa Rd, 11th Floor
Baltimore, MD 21286
Phone: 410-821 2828
Fax: 410-321-3116
410-321-3482

Certified Abuse Intervention Programs 2015

The following is a list of Abuse Intervention Programs (AIP's) that have been reviewed by members of the Governor's Family Violence Council (FVC) and the Maryland Abuse Intervention Collaborative (MAIC). These programs meet the Guidelines set forth in The Governor's Family Violence Council's Operational Guidelines for Abuse Intervention Programs in Maryland, and thus have met the minimum standard deemed by the FVC to be utilized in referrals for service.

By County

Allegany

Family Crisis Resource Center

Abuse Intervention Program

146 Bedford Street

Cumberland, MD 21502

Phone: 301-759-9246

Fax: 301-759-4934

lisa.fcrc@verizon.net

Contact: Lisa Porter

Fees: \$25 intake, Sliding scale fee only.

Program days/hours: 9:00am-5:00pm Monday, Tuesday, Wednesday & Friday and 6:30 pm only on Thursday

Anne Arundel

Alcohol & Drug Intervention, Inc.

Alcohol & Drug Intervention, Inc.

7458 Baltimore Annapolis Boulevard

Glen Burnie, MD 21061

Phone: 410-787-2288

Fax: 410-787-9479

dancoleman@adintervention.org

www.adintervention.org

Contact: Dan Coleman

Fees: \$40 -\$70

Program days/hours: Monday 5:30pm – 6:30pm and Thursday 7:45pm – 8:45pm

Erly Family Solutions

Alternatives, LLC

218 Merrimac Court

Prince Frederick, MD 20678

Phone: 443-550-9559

Fax: 443-798-3349

solutions@alternativesllc.org

www.erlyfamilysolutions.com

Contact: Janet Scott

Fees: \$60 intake (to include the book), \$25 per week

Program days/hours: 2:00 pm – 8:30 pm

My Covenant Place

Alpha Project

1400 E. Federal Street

2nd Floor

Baltimore, MD 21213

Phone: 443-759-3355

Fax: 443-759-3355

lcarter@mycovenantplace.org

www.mycovenantplace.org

Contact: Latisha Carter

Fee: \$25 intake, sliding fee scale \$10 - \$60

YWCA of Annapolis and Anne Arundel County

The 180 Project

1517 Ritchie Hwy

Arnold, MD 21012

Phone: 410-626-7800

Fax: 410-757-0908

rfulton@ywcaaac.org

www.annapolisywca.org

Contact: Rebecca Fulton

Fees: \$900 per client (\$10 orientation, \$50 intake, \$30 per group for 28 weeks)

Program days/hours: Monday – Thursday evenings: 6:00 pm – 8:00 pm

Baltimore City

Alcohol & Drug Intervention, Inc.

Alcohol & Drug Intervention, Inc.

7458 Baltimore Annapolis Boulevard

Glen Burnie, MD 21061

Phone: 410-787-2288

Fax: 410-787-9479

dancoleman@adintervention.org

www.adintervention.org

Contact: Dan Coleman

Fees: \$40 -\$70

Program days/hours: Monday 5:30pm – 6:30pm and Thursday 7:45pm – 8:45pm

HARBEL Community Organization Inc.

HARBEL Prevention and Recovery Center

5807 Harford Rd.

Baltimore, MD 21214

Phone: 410-444-2100

Fax: 410-426-1140

pstable@harbelpre.com

www.harbel.com

Contact: Patricia Quinn Stabile

Fees: Sliding fee scale may be available. For persons with drug or alcohol problems, medical assistance or private insurance may cover some of the costs of treatment, subject to the authorization and approval of the insurer.

Program days/hours: Monday – Thursday: 9:00 am to 9:00 pm; Friday: 9:00 am to 4:30 pm;

Saturday: 9:00 am to 3:00 pm

NOTE: HARBEL only accepts referrals of persons who also have a need for substance abuse treatment (Substance abuse includes alcohol as well as other drugs). HARBEL is a state certified, intensive outpatient / standard outpatient substance abuse treatment program. AIP services are currently only provided to persons who are participating in the drug or alcohol treatment program.

House of Ruth Maryland

Gateway Project

2201 Argonne Dr.

Baltimore, MD 21218

Phone: 410-554-8479

Fax: 410-889-9347

info@hruthmd.org

www.hruth.org

Contact: Angelique Green- Manning

Fees: Intake: \$20; Weekly group fee: \$10 - \$70; sliding scale fees available

Program days/hours: Monday – Thursday: 10:00 am to 10:00 pm

House of Ruth, Maryland

Si Puedo at House of Ruth, Maryland

3734 Eastern Avenue

Baltimore, MD 21224

Phone: 410-732-2176

Fax: 410-732-2178

info@hruthmd.org

www.hruth.org

Contact: Jesus Rivera

Fees: \$20 Intake Fee, \$10- \$70 weekly session fee; sliding scale fee based on demonstrated income

Program days/hours: Monday, Wednesday, Friday: 9:00 am to 5:00 pm; Tuesday and Thursday: 4:00 pm to 9:00 pm

Note: This program is only available for Spanish speaking men.

Isaiah & Associates, Inc.

Isaiah & Associates, Inc.

101 W. 22nd Street, Suite 201

Baltimore, MD 21218

Phone: 410-585-9019

Fax: 410-585-9018

isaiah.associates@yahoo.com

www.isaiahassociates.com

Contact: Edwin Chuku

Fees: Sliding fee scale available

Program days/hours: Non Group Days: 9:00 am to 5:00 pm, Group Days: Tuesday, Thursday and Saturday: 9:00 am to 9:00 pm

My Covenant Place

Alpha Project

1400 E. Federal Street

2nd Floor

Baltimore, MD 21213

Phone: 443-759-3355

Fax: 443-759-3355

lcarter@mycovenantplace.org

www.mycovenantplace.org

Contact: Latisha Carter

Fee: \$25 intake, sliding fee scale \$10 - \$60

Program days/hours: Varies

TurnAround, Inc.
Abuser Intervention Program
401 Washington Ave, Suite 300
Towson, MD 21204
Phone: 410-377-8111
Fax: 410-377-6806
info@turnaroundinc.org
www.turnaroundinc.org
Contact: Rosalyn Branson
Fees: Sliding scale fees available
Program days/hours: Evenings and weekends

Baltimore County

Family Crisis Center of Baltimore County, Inc.
New Behaviors Group Program
P.O. Box 3909
Baltimore, MD 21222
Phone: 410-285-4357
Fax: 410-285-4361
amie@familycrisiscenter.net
www.familycrisiscenter.net
Contact: Amie Post
Fees: Sliding fee scale
Program days/hours: 9:00 am – 9:00 pm

Family and Children Services (West Baltimore County)
Violence Intervention Program
7000 Security Boulevard, Suite 301
Baltimore, MD 21244
Phone: 410-281-1334 X 120
Fax: 410-298-4326
kbrisco@fscmd.org
www.fscmd.org
Contact: Keyandra Brisco
Fee: Private insurance and medical assistance accepted, private pay is \$100 for intake, \$75 per group. Sliding scale fees for private pay in some circumstances, \$12.50 - \$50 per group session (no sliding scale fee for intake.)
Program days/hours: Monday: 5:30 pm – 8:30 pm; Tuesday, 5:30 pm – 7:30 pm;
Wednesday: 5:30 pm – 7:30 pm

Guided Visions Counseling Center

Abuser Intervention Program

715 Ingleside Avenue

Catonsville, MD 21228

Phone: 410-744-8422

Fax: 410-744-8424

kmerc@guidedvisions.net

www.guidedvisions.net

Contact: Karen Mercer

Fees: Sliding fee scale

Programs days/hours: Monday – Friday: 10:00 am to 9:00 pm; Saturday: 8:00 am to 4:30 pm

House of Ruth Maryland

Gateway Project

2201 Argonne Dr.

Baltimore, MD 21218

Phone: 410-554-8479

Fax: 410-889-9347

info@hruthmd.org

www.hruth.org

Contact: Angelique Green- Manning

Fees: Intake: \$20; Weekly group fee: \$10 - \$70; sliding scale fees available

Program days/hours: Monday – Thursday: 10:00 am to 10:00 pm

House of Ruth, Maryland

Si Puedo at House of Ruth, Maryland

3734 Eastern Avenue

Baltimore, MD 21224

Phone: 410-732-2176

Fax: 410-732-2178

info@hruthmd.org

www.hruth.org

Contact: Jesus Rivera

Fees: \$20 Intake Fee, \$10- \$70 weekly session fee; sliding scale fee based on demonstrated income

Program days/hours: Monday, Wednesday, Friday: 9:00 am to 5:00 pm; Tuesday and Thursday: 4:00 pm to 9:00 pm

Note: This program is only available for Spanish speaking men.

Isaiah & Associates, Inc.

Isaiah & Associates, Inc.

101 W. 22nd Street, Suite 201

Baltimore, MD 21218

Phone: 410-585-9019

Fax: 410-585-9018

isaiah.associates@yahoo.com

www.isaiahassociates.com

Contact: Edwin Chuku

Fees: Sliding fee scale available

Program days/hours: Non Group Days: 9:00 am to 5:00 pm, Group Days: Tuesday, Thursday and Saturday: 9:00 am to 9:00 pm

My Covenant Place
Alpha Project
1400 E. Federal Street
2nd Floor
Baltimore, MD 21213
Phone: 443-759-3355
Fax: 443-759-3355
lcarter@mycovenantplace.org
www.mycovenantplace.org
Contact: Latisha Carter
Fee: \$25 intake, sliding fee scale \$10 - \$60

North Carroll Counseling Center
Abuser Intervention Program
P.O. Box 603
Hampstead, MD 21074
Phone: 443-293-2665
Fax: 410-552-9881
rsalkin@bcps.org
www.nccounselingcenter.com
Contact: Richard Salkin
Fees: \$10 - \$60, sliding scale fees available
Program days/hours: 7:00 pm – 8:30 pm

TurnAround, Inc.
Abuser Intervention Program
401 Washington Ave, Suite 300
Towson, MD 21204
Phone: 410-377-8111
Fax: 410-377-6806
info@turnaroundinc.org
www.turnaroundinc.org
Contact: Rosalyn Branson
Fees: Sliding scale fees available
Program days/hours: Evenings and weekends

Calvert

Erly Family Solutions
Alternatives, LLC
218 Merrimac Court
Prince Frederick, MD 20678
Phone: 443-550-9559
Fax: 443-798-3349
solutions@alternativesllc.org
www.erlyfamilysolutions.com
Contact: Janet Scott
Fees: \$60 intake (to include the book), \$25 per week
Program days/hours: 2:00 pm – 8:30 pm

Caroline

Mid-Shore Council on Family Violence

Abuser Intervention Program

P.O. Box 5

Denton, MD 21629

Phone: 410-479-3363

Fax: 410-479-9029

sharon@mscfv.org

www.mscfv.org

Contact: Sharon Schmidt

Fees: \$30 for intake, \$25 per week for 26 weeks, sliding scale fees available

Programs days/hours: 5:00 pm intake, 6:00 – 7:30 group

Carroll

Catoctin Counseling Center

63 E Main Street

Westminster, MD 21157

Phone: 410-848-9091

Fax: 301-739-0041

catocinnancy@myactv.net

www.catoctincounseling.com

Contact: Larry Stouter

Fees: \$65 intake; \$30-\$40 group sessions

Program days/hours: Monday – Thursday: 9:00 am – 9:00 pm; Friday: 9:00 am – 5:00 pm

Family and Children Services of Central Maryland

Violence Intervention Program

22 N. Court Street

Westminster, MD 21157

Phone: 410-876-1233

Fax: 410-876-4741

krainey@fcsmd.org

www.fcsmd.org

Contact: Kelley Rainey

Fee: Private insurance and medical assistance accepted, private pay is \$100 for intake, \$75 per group. Sliding scale fees for private pay in some circumstances, \$12.50 - \$50 per group session (no sliding scale fee for intake.)

Program hours: 8:30 am – 4:30 pm (Evening hours available) Group Sessions are offered during evening hours.

North Carroll Counseling Center
Abuser Intervention Program
P.O. Box 603
Hampstead, MD 21074
Phone: 443-293-2665
Fax: 410-552-9881
rsalkin@bcps.org
www.nccounselingcenter.com
Contact: Richard Salkin
Fees: \$10 - \$60, sliding scale fees available
Program days/hours: 7:00 pm – 8:30 pm

Charles

Center for Abused Persons
Abuser Intervention Program
2670 Crain Hwy, Suite 303
Waldorf, MD 20601
Phone: 301-645-8994
Fax: 301-645-8342
AGJCAP@AOL.com
www.centerforabusedpersons.com
Contact: Annette Gilbert-Jackson
Fees: \$520, sliding scale fees available
Program days/hours: 24-hour hotline

Erly Family Solutions
Alternatives, LLC
218Merrimac Court
Prince Frederick, MD 20678
Phone: 443-550-9559
Fax: 443-798-3349
solutions@alternativesllc.org
www.erlyfamilysolutions.com
Contact: Janet Scott
Fees: \$60 intake (to include the book), \$25 per week
Program days/hours: 2:00 pm – 8:30 pm

Dorchester

Mid-Shore Council on Family Violence
Abuser Intervention Program
P.O. Box 5
Denton, MD 21629
Phone: 410-479-3363
Fax: 410-479-9029
sharon@mscfv.org
www.mscfv.org
Contact: Sharon Schmidt
Fees: \$30 for intake, \$25 per week for 26 weeks, sliding scale
Programs days/hours: 5:00 pm intake, 6:00 – 7:30 group

Frederick

Catoctin Counseling Center

309 E. Patrick St

Frederick, MD 21701

Phone: 301-631-1304

Fax: 301-739-0041

catocinnancy@myactv.net

www.catoctincounseling.com

Contact: Larry Stouter

Fees: \$45 intake; \$30-\$40 group sessions

Program days/hours: Monday – Thursday: 9:00 am – 9:00 pm; Friday: 9:00 am – 5:00 pm

Heartly House

Heartly House's Abuse Intervention Program

P.O. Box 857

Frederick, MD 21705

Phone: 301-662-8800

Fax: 301-663-4334

www.heartlyhouse.org

Contact: Sarah Smith

Fees: \$30 per group/individual session, no fee for intake, \$25 fee for rescheduled intake, sliding scale fees available

Program days/hours: 7 days a week, 8:30 am – 10:00 pm

Garrett

Dove Center (DVSARC, Inc.)

Abuse Intervention Program

882 Memorial Drive

Oakland, MD 21550

Phone: 304-334-6255

Fax: 301-245-4525

dovecenter@verizon.net

www.gcdovecenter.org

Contact: Kristiann Germain

Fees: \$5 intake fee, \$5 - \$20 per session based on income

Program days/hours: Intake: Scheduled by appointment; Group: Monday from 6:00 pm–8:00 pm

Harford

Isaiah & Associates, Inc.

Isaiah & Associates, Inc.

101 W. 22nd Street, Suite 201

Baltimore, MD 21218

Phone: 410-585-9019

Fax: 410-585-9018

isaiah.associates@yahoo.com

www.isaiahassociates.com

Contact: Edwin Chuku

Fees: Sliding fee scale available

Program days/hours: Non Group Days: 9:00 am to 5:00 pm, Group Days: Tuesday, Thursday and Saturday: 9:00 am to 9:00 pm

SARC (Sexual Assault/Spouse Abuse Resource Center, Inc.)

SARC Abuser Intervention Program

P.O. Box 1207

Bel Air, MD 21014

Phone: 410-836-8431

Fax: 410-838-9484

ssmoley@sarc-maryland.org

Contact: Sara Smoley

Fees: \$65 intake; \$10-\$45 per session, sliding scale

Program Hours: Monday: 8:30 am – 9:00 pm; Tuesday – Friday: 8:30 am – 4:30 pm; Saturday: 9:00 am – 2:00 pm.

Howard

Guided Visions Counseling Center

Abuser Intervention Program

715 Ingleside Avenue

Catonsville, MD 21228

Phone: 410-744-8422

Fax: 410-744-8424

kmerc@guidedvisions.net

www.guidedvisions.net

Contact: Karen Mercer

Fees: Sliding fee scale

Programs days/hours: Monday – Friday: 10:00 am to 9:00 pm; Saturday: 8:00 am to 4:30 pm

HopeWorks (formally known as the Domestic Violence Center of Howard County)

New Behaviors Program

Overlook Center #310

5457 Twin Knolls Road, Suite 310

Columbia, MD 21045

Phone: 410-997-0304

Fax: 410-997-7397

gportnoy@dvcenter.org

www.dvcenter.org

Contact: Galina Portnoy

Fees: Sliding scale

Program days/hours: Monday: 9:00 am to 9:00 pm; Wednesday: 9:00 am to 9:00 pm; Thursday: 9:00 am to 9:00pm; schedule subject to change based on client and counselor availability.

Men's Awareness & Recovery System (MA&RS)

Integrative Counseling

10630 Little Patuxent Parkway, Suite 209

Columbia, MD 21044

Phone: 410-740-8066

Fax: 410-740-8068

gsantomsw@gmail.com

Contact: Grace Santo

Fees: \$110 intake, \$40 per session

Program days/hours: Monday – Friday: 9:00 am – 8:00 pm

My Covenant Place

Alpha Project

1400 E. Federal Street

2nd Floor

Baltimore, MD 21213

Phone: 443-759-3355

Fax: 443-759-3355

lcarter@mycovenantplace.org

www.mycovenantplace.org

Contact: Latisha Carter

Fee: \$25 intake, sliding fee scale \$10 - \$60

Kent

Mid-Shore Council on Family Violence

Abuser Intervention Program

P.O. Box 5

Denton, MD 21629

Phone: 410-479-3363

Fax: 410-479-9029

sharon@mscfv.org

www.mscfv.org

Contact: Sharon Schmidt

Fees: \$30 for intake, \$25 per week for 26 weeks, sliding scale fees available

Programs days/hours: 5:00 pm intake, 6:00 – 7:30 group

Montgomery

My Covenant Place

Alpha Project

1300 Mercantile Lane, Suite 122 B

Largo, MD 21044

Phone: 301-577-7307

lcarter@mycovenantplace.org

Fees: \$35 intake; sessions \$15-\$60, sliding scale available

Program days/hours: Varies

Abused Persons Program

New Beginnings Abuser Intervention Program

1301 Piccard Drive, Suite 1400

Rockville, MD 20850

Phone: 240-777-4210

Fax: 240-777-4860

Nadja.Cabello@montgomerycountymd.gov

www.montgomerycountymd.gov

Contact: Nadja Cabello

Fees: sliding scale fees available

Program days/hours: Groups: Monday - Thursday, 9:00am - 9:00pm; Saturday: 9:00am - 1:00pm

Men's Awareness & Recovery System (MA&RS)

Integrative Counseling

10630 Little Patuxent Parkway, Suite 209

Columbia, MD 21044

Phone: 410-740-8066

Fax: 410-740-8068

gsantomsw@gmail.com

Contact: Grace Santo

Fees: \$110 intake, \$40 per session

Program days/hours: Monday – Friday: 9:00 am – 8:00 pm

Synergy Family Services, Inc.

Synergy Family Services, Inc.

1425 University Blvd., Suite 245

Hyattsville, MD 20783

Phone: 240-752-2767

sfsmentalhealth@gmail.com

Contact: Nancy Cavazos

Fees: \$35 intake; \$20 group sessions, sliding scale available

Programs days/hours: Monday – Friday: 9:00 am to 9:00 pm

The Engaging Men's Program
Relational Excellence, LLC
8720 Georgia Avenue, Suite 205
Silver Spring, MD 20910
Contact: Jay Hodge
Phone: 202-531-0231
Fax: 888-907-0899

emensgroup@rexcellencellc.com

Fees: sliding scale fees available

Program days/hours: Monday – Friday: 4:00 pm – 10 pm; Saturday: 9:00 am to 12:00 pm

Prince George's

Family Crisis Center of Prince George's County, Inc.
Family Violence Intervention Clinic (FAMVIC)

3601 Taylor Street
Brentwood, MD 20722

Phone: 301-779-2100

Fax: 301-779-2104

mruiz@familycrisiscenter-pgco.org

www.familycrisiscenter-pgco.org

Contact: Manuel Ruiz

Fees: \$35 intake, weekly fee: sliding scale (\$10 - \$60)

Program days/hours: Monday – Friday: 8:30 am to 5:00 pm

My Covenant Place

Alpha Project
1300 Mercantile Lane, Suite 122 B
Largo, MD 21044

Phone: 301-577-7307

lcarter@mycovenantplace.org

www.mycovenantplace.org

Contact: Latisha Carter

Fees: \$35 intake; sessions \$15-\$60, sliding scale available

Program days/hours: Varies

Synergy Family Services, Inc.

Synergy Family Services, Inc.
1425 University Blvd., Suite 245
Hyattsville, MD 20783

Phone: 240-752-2767

sfsmmentalhealth@gmail.com

Contact: Nancy Cavazos

Fees: \$35 intake; \$20 group sessions, sliding scale available

Programs days/hours: Monday – Friday: 9:00 am to 9:00 pm

Queen Anne's

Mid-Shore Council on Family Violence

Abuser Intervention Program

P.O. Box 5

Denton, MD 21629

Phone: 410-479-3363

Fax: 410-479-9029

sharon@mscfv.org

www.mscfv.org

Contact: Sharon Schmidt

Fees: \$30 for intake, \$25 per week for 26 weeks, sliding scale fees available

Programs days/hours: 5:00 pm intake, 6:00 – 7:30 group

Somerset

Life Crisis Center, Inc.

Domestic Abuser Intervention Program

P.O. Box 387

Salisbury, MD 21803

Phone: 410-749-4357

Fax: 410-548-9496

lward@lifecrisiscenter.org

Contact: Leigh Ward

Fees: \$10 - \$20; sliding scale fees available

Program days/hours: Thursdays: 6:00 pm – 8:00 pm, other times by appointment

St. Mary's

Walden Sierra

Walden Sierra's Crisis and Trauma Program

30007 Business Center Dr.

Charlotte Hall, MD 20622

Program Location: Hope Place of Walden

21770 FDR Blvd.

Lexington Park, MD 20653

Phone: 301-997-1300; 24 hour hotline 301-863-6661

Fax: 301-866-9189

kaya@waldensierra.org

Contact: Kaya Daley

Fees: \$55 intake, sliding scale for weekly fees.

Program days/hours: Women's AIP: Thursdays, 4 to 5:30 p.m.; Men's AIP: Wednesday, 5:30 to 7 p.m.

Erly Family Solutions

Alternatives, LLC

218 Merrimac Court

Prince Frederick, MD 20678

Phone: 443-550-9559

Fax: 443-798-3349

solutions@alternativesllc.org

www.erlyfamilysolutions.com

Contact: Janet Scott

Fees: \$60 intake (to include the book), \$25 per week

Program days/hours: 2:00 pm – 8:30 pm

Talbot

Mid-Shore Council on Family Violence

Abuser Intervention Program

P.O. Box 5

Denton, MD 21629

Phone: 410-479-3363

Fax: 410-479-9029

sharon@mscfv.org

www.mscfv.org

Contact: Sharon Schmidt

Fees: \$30 for intake, \$25 per week for 26 weeks, sliding scale fees available

Programs days/hours: 5:00 pm intake, 6:00 – 7:30 group

Washington

Catoctin Counseling Center

228 Washington St

Hagerstown, MD 21740

Phone: 304-745-6687

Fax: 301-739-0041

catocinnancy@myactv.net

www.catoctincounseling.com

Contact: Larry Stouter

Fees: \$45 intake; \$30-\$40 group sessions

Program days/hours: Monday – Thursday: 9:00 am – 9:00 pm; Friday: 9:00 am – 5:00 pm

CASA, Inc.

Positive Choices Abuser Intervention Program (PCAIP)

116 West Baltimore Street

Hagerstown, MD 21740

Phone: 301-739-4990

Fax: 301-797-6717

casa43@myactv.net

Contact: Cheryl Morgan

Fees: Sliding scale

Program days/hours: Monday, Thursday, Friday: 8:30 am to 4:30 pm; Tuesday: 8:30 am to 10:00 pm; Wednesday: 8:30 am to 8:00 pm

Wicomico

Life Crisis Center, Inc.

Domestic Abuser Intervention Program

P.O. Box 387

Salisbury, MD 21803

Phone: 410-749-4357

Fax: 410-548-9496

lward@lifecrisiscenter.org

Contact: Leigh Ward

Fees: \$10 - \$20; sliding scale fees available

Program days/hours: Thursdays: 6:00 pm – 8:00 pm, other times by appointment

Worcester

Life Crisis Center, Inc.

Domestic Abuser Intervention Program

P.O. Box 387

Salisbury, MD 21803

Phone: 410-749-4357

Fax: 410-548-9496

lward@lifecrisiscenter.org

Contact: Leigh Ward

Fees: \$10 - \$20; sliding scale fees available

Program days/hours: Thursdays: 6:00 pm – 8:00 pm, other times by appointment

APPENDIX E

Domestic Violence Coalitions in Neighboring States

The following organizations serve as their state's coalition of domestic violence organizations. They may be able to assist the court in identifying which local law enforcement agency can serve the temporary protective order and petition on a respondent.

State	Organization	Telephone
DELAWARE	Delaware Coalition Against Domestic Violence	302-658-2958 www.dcadv.org/#
DISTRICT OF COLUMBIA	DC Coalition Against Domestic Violence	202-299-1181 www.dccadv.org/
PENNSYLVANIA	Pennsylvania Coalition Against Domestic Violence	717-545-6400 www.pcadv.org/
VIRGINIA	Virginia Sexual and Domestic Violence Action Alliance	Charlottesville 434-979-9002 Richmond 804-377-0335 www.vadv.org
WEST VIRGINIA	West Virginia Coalition Against Domestic Violence	304-965-3552 www.wvcadv.org/index.html