

Domestic Violence (Part 2): Protective Order Safeguards

Filing for a protective order can be a complicated process at a very difficult time in your life. I'm here to help you get through that court process.

Protective order proceedings can be a dangerous time for a victim of domestic violence. Be extra cautious and watchful. Get help at mdcourts.gov/dv.

Let's get started.

FULL-SCREEN ROAD MAP

Short-term Safeguards

Final Protective Order

Custody and Emergency Family Maintenance

In this video, we'll explain what short-term safeguards are available at the beginning of your case. We'll describe longer-term protections found in a final protective order. Lastly, we'll cover how the court handles child custody and finances in a final order.

You may appear in up to three different types of court hearings for your case. The type of hearing determines the level of safeguards and how long they are in place. We dig deep into those three hearing types in Part 5 of this series. Let's take a look at the protections available in an interim and temporary protective order at the beginning of your case.

CHAPTER HEADING: Short-Term Safeguards

If courts are closed when you need protection, visit a commissioner's office to ask for an interim protective order. This interim order will be in place for a couple of days until you can appear before a judge. If courts are open, file documents to ask for a temporary protective order. This type of order is in place for about a week, unless it's extended by the court.

In these short-term protective orders, the court can order the other person to stop abusing, threatening, or harassing you. The court can also order that person to have no contact with you and to stay away from your home, work, or school. If you are married to the other person, the court may order them to leave your home. If you have children together, the court can award temporary custody to one of the parties. The court may also award possession of a pet to either you or the other person.

If you are not married and living together, the court is limited. A judge may order the other person to leave only if your name is on the lease or deed and you have lived there for more than 90 days in the past year.

You must appear before a judge who may grant temporary safeguards about child-care providers. Only judges can order someone to surrender their firearms, too. Commissioners cannot award these two safeguards.

A judge can grant these same protections for up to a year at your final protective order hearing later in the process. A final order may also have additional safeguards.

CHAPTER HEADING: Final Protective Order

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At the final hearing, the court can also determine who will use a jointly owned vehicle while a protective order is in place. The court might direct one person to get counseling for domestic violence or substance abuse, or order one party to pay court fees.

The court often uses this final hearing to make decisions about child custody and financial support.

CHAPTER HEADING: Child Custody and Emergency Family Maintenance

If you and the other person have a child together, the court may establish temporary custody and a visitation schedule at your final hearing. Keep in mind this arrangement is in place only until the protective order expires, which is usually in a year. If you need a permanent custody order, learn how at mdcourts.gov/custody. You should also tell the court if you already have a custody order when you ask for a protective order.

A judge may also decide at the final hearing whether you need financial support. This is called emergency family maintenance. Protective order forms include space to ask for financial support, but not everyone qualifies. You may qualify if you and the other person are married, or if you have custody of children. It helps the court if you bring financial information to support your request for emergency family maintenance. Consider bringing copies of pay stubs. Also helpful: Proof of expenses like mortgage, lease, utilities, insurances, payments, and daycare.

CHAPTER HEADING: Let's Review

FULL-SCREEN ROAD MAP

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At your first hearings, the court or commissioner can order immediate short-term safeguards such as an order telling the other person not to contact you and to stay away from your home, work, or a child's school. At your final protective order hearing, the court may grant longer-term safeguards and may address child custody and emergency family maintenance.

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

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