

## Protective vs. Peace orders in MD

While the procedure to filing for a Peace Orders and Protection Order are similar it is important to remember that Protective Orders offer additional and more extensive types of relief than Peace order. This being so, Peace Orders include additional types of abuse that may not be covered by Protect Orders. Further Peace Order can be filed against certain respondents who would not qualify for a Protective Order. It is also important to note that there are also several logistical difference between the two including where to file and costs associated.

### **WHAT IS A PEACE ORDER?**

A form of legal protection for anyone who is experiencing problems with an individual, including someone in a dating relationship, a neighbor, a stranger, or anyone else.

### **WHAT DOES A PEACE ORDER DO?**

Enables an individual (Petitioner) who wishes to be left alone to ask the Court to order another person (Respondent) to stay away and refrain from any contact with you.

### **WHO CAN YOU GET A PEACE ORDER AGAINST? (Different than a Protective Order)**

You can only get a Peace Order against a person if you are NOT eligible to get a protective order against the person.

You can only get a Peace Order if you are a Maryland resident or if the act covered by the Peace Order law happened in Maryland.

### **WHAT ACTS ARE COVERED BY A PEACE ORDER? (Different than a Protective Order)**

1. An act that causes you serious bodily harm (e.g., kicking, punching, choking, shooting, stabbing, shoving);
2. An act that places you in fear of serious imminent bodily harm;
3. Assault in any degree;
4. Rape or sexual offense (including attempts);
5. False imprisonment;
6. Harassment (Read the law: Md. Code, Criminal Law § 3-803);
7. Stalking (Read the law: Md. Code, Criminal Law § 3-802);
8. Trespassing;
9. Malicious destruction of property;
10. Misuse of telephone facilities and equipment (Read the Law: Md. Code, Criminal Law § 3-804);
11. Misuse of electronic communication or interactive computer service (Read the Law: Md. Code, Criminal Law § 3-805);
12. Revenge porn (Read the Law: Md. Code, Criminal Law § 3-809); OR
13. Criminal visual surveillance (Read the Law: Md. Code, Criminal Law §§ 3-901, 3-902, or 3-903).

A peace order covers more than a protective order. One MAY NOT obtain a protective order on the basis of harassment, as defined in Md. Code, Criminal Law § 3-803. Further a Protective Order

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does not cover Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or Malicious destruction of property

### **WHERE CAN MUST THE PEACE ORDER BE FILED?** (Different than a Protective Order)

Peace order may only be filed at the District Court

Protective order may be filed either at the District and Circuit Courts

### **WHEN MUST THE PEACE ORDER BE FILED?** (Different than a Protective Order)

A person has thirty (30) days after the act which qualifies for a Peace Order occurs to file a petition with the Court. Further, the petitioner must show that the act occurred and that it is likely to occur again (this is not a requirement with a protective order).

A protective order may be filed **anytime** after the act which would qualify for a Protective order.

### **DOES IT COST ANYTHING?** (Different than a Protective Order)

There is a \$46 filing fee and a \$40 service fee. The Court may waive only the filing fee for indigent petitioners.

When filing for a Protective order there are NO filing or service fees.

### **WHAT IS THE STANDARD OF PROOF FOR GETTING A PEACE ORDER? What does the petitioner have to prove?**

To get an Interim and Temporary Peace Orders it must be shown that there is “reasonable grounds to believe that the Respondent has abused a person eligible for relief”

To get a Final Peace Order the judge must find that by a "preponderance of the evidence" (more likely than not) the respondent/abuser has committed an abusive act, **AND** is likely to commit an abusive act in the future.

Or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner.

### **For comparison to get a Protective order the following must be established:**

**To get an Interim and Temporary Protective Orders** it must be shown that “reasonable grounds to believe that the Respondent has abused a person eligible for relief” (Same as a peace order, at this stage).

**However, to get a Final Protective Order** the judge must find by a preponderance of the evidence [(more likely than not)] just 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 person eligible for relief from abuse.

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### **IF A PEACE ORDER IS GRANTED, WHAT RELIEF/PROTECTIONS CAN A JUDGE ORDER?**

A judge may order all of the relief available under the temporary peace order which includes:

Depending on your specific circumstances, the Judge may order any (or all) of the following:

- Order to abuser to refrain from committing or threatening to commit an act against you;
- Order to abuser to refrain from contacting, attempting to contact, or harassing you;
- Order to abuser to refrain from entering your residence; and
- Order to abuser to remain away from your job, school, or temporary home.

and

- Counseling
- Order for respondent/abuser to pay filing fees and court costs

### **For comparison with a Protective Order a judge may:**

- Order the abuser to stop abusing, threatening to abuse, and harassing you.
- Order the abuser to stay away from you and to not contact or try to contact you or harass you at your home, school, job, the place where you may be staying, from your children's school(s), and from your family members' homes.
- Order the abuser to stay out of your house.
- If you are married to the abuser AND you were living with your abuser at the time of the abuse, the court can order him to leave the home where the two of you live.
- If you are not married to the abuser, but were living with him at the time of the abuse AND your name is on the lease or deed for the house OR you lived with the abuser for at least ninety (90) days within the past year, the court can order him to leave the home.
- Order that you be given temporary custody of any children that you have with the abuser.

Plus:

- Establishment of temporary visitation
- Award of emergency family maintenance
- Award of use and possession of jointly titled car
- Temporary possession of pets
- Counseling
- Order for respondent to surrender all firearms
- Order for respondent to pay filing fees and court costs
- Any other relief the judge determines is necessary to protect the Person eligible for relief from abuse

**HOW LONG DOES A FINAL PEACE ORDER LAST? (Less time than a protective order, final protective order last 1 year if granted.)**

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The Final Peace Order is effective for the period stated in the order, not to exceed six (6) months.  
**Md. Code, Courts & Judicial Proceedings § 3-1505**

### **CAN YOU EXTEND A PEACE ORDER?** (Less time than a Protective Order)

After a hearing and good cause shown, the Court may extend the length of a Peace Order by six (6) months. The form you use to make this request is available at the Clerk's office where you originally obtained the Protective Order. **Md. Code, Courts & Judicial Proceedings § 3-1506**

Temporary protective orders normally do not last longer than 7 days, however judges may extend a temporary protective order from 30 days to 6 months. Temporary protective orders may be extended to effectuate service of the order, to provide protection, or other good cause.

Final Protective orders last up to 1 year with the option to extend for 6 months.

In some cases, a Petitioner may be eligible for a 2-year Final Protective Order or even a Permanent Protective Order.

(Permanent orders are available in very limited circumstances.)

The permanent protective order lasts until the victim requests termination.

### **WHAT HAPPENS IF THE PEACE ORDER IS VIOLATED BY THE PERSON IT WAS FILED AGAINST?**

If the Respondent/abuser violates the Peace order through further harassment or by attempts to contact the individual who filed the order, you should call the police immediate.

The petitioner can file a contempt charge against the respondent. In addition, if the respondent violates the "stay away" portions of the order, the petitioner can file a criminal charge.

Violation of the order is a misdemeanor and on conviction a respondent is subject to a fine for the first offense of up to \$1000, and/or imprisonment of up to 90 days. For a second or subsequent offense, the violator is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both. **Md. Code, Courts & Judicial Proceedings §§ 3-1507, 3-1508**

### **For comparison if a respondent violates a Protective Order:**

The petitioner can file a complaint against the respondent. In addition, if the respondent violates the "abuse, contact, or stay away" portions of the order, the petitioner can file a criminal charge. Violation of the order is a fine of up to \$1000, and/or imprisonment for up to 90 days, for the first offense. For a subsequent offense, a fine of up to \$2500, and/or imprisonment for up to 1 year, may be imposed.

Further, the petitioner can file a motion for civil contempt if the respondent violates the support, custody, visitation, and any award portions of the order.

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Sources:

<https://www.peoples-law.org/comparing-protective-and-peace-orders#:~:text=Procedurally%2C%20they%20are%20the%20same,include%20additional%20types%20of%20abuse.>

<https://www.peoples-law.org/peace-orders>