



Domestic Violence: Think I Want to File a Restraining Order Transcript

Domestic Violence: I Think I Want to File a Restraining Order

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FEMALE NARRATOR: Filing for a restraining order can seem complicated and overwhelming but may be an important step in securing the safety of you and your family. In Maryland restraining orders are either called a Peace Order or Protective Order depending on your relationship to the person you're filing against.

Protective Orders are for families and very close relationships such as sexual partners within the past year, vulnerable adults, and children who are victims of abuse or neglect. Peace Orders are for everyone not covered by a Protective Order.

Protective Orders are for victims of various types of assault or attempted assault. It also covers false imprisonment, stalking, or revenge porn. Peace Orders cover the same acts as Protective Orders as well as other acts including harassment, trespassing, and destruction of property.

There are three types of orders: Temporary, Final, and Interim. Temporary Orders are the first step to obtaining a Final Order and typically begin the legal process. Final Orders are obtained after the Temporary Order and final court appearance where the judge decides the scope of protection and for how long the order is active. Interim Orders are obtained outside of court business hours and are in effect until you receive a Temporary Order, typically within 48 hours.

How Can I Apply for a Protective Order or Peace Order?

Securing both a Protective Order and Peace Order follow the same process, with slight differences. The first step in the Order process is typically a Temporary Order. During regular business hours, visit the Civil Clerk's Office in the nearest courthouse to fill out either a Protective Order form for a Protective Order, or a Petition for Peace Order form for a Peace Order. To obtain a Peace Order the incident must take place within 30 days of filing.

Next you appear in front of a judge to explain what happened to make you file and what relief you are seeking. The judge will call your case and tell you where to stand in the courtroom. As the person filing the paperwork, you are called the petitioner. The person you filed against is called the respondent. You are eligible for a variety of types of temporary relief with both a Protective and Peace Order.

With a Temporary Protective Order, the judge may order the abuser to: stop abusing or threatening you, not contact you, stay out of your home, and surrender any firearms.

If you are granted a Temporary Peace Order, the Judge may order the abuser to refrain from: abuse or

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threats, contact, harassment, entering your residence, and to remain away from your job, school, or home.

Finally, if the judge grants your Order, you will get a copy of the Temporary Order with a future court date – usually 7 days from your Temporary Order hearing date. You can contact legal service providers for representation in your Final Protective or Peace Order hearing or represent yourself.

Law Enforcement also receives a copy of the Order to serve on the other party within the required timeframe. Please note: The other party must be served by the police. You cannot just hand them the papers yourself. Once you have your Temporary Order, you return to court for the Final Order Hearing on the date scheduled. If the temporary order was served to the respondent, then your case will proceed. If your Protective Order was not served, you can request a waiver of appearance, so you don't have to appear until it's officially served. For a Peace Order, if the respondent was not served, you must keep appearing in court until the respondent is served or the order expires.

Next, the court will hear from both parties and decide whether or not to grant a Final Protective Order and what relief to grant. Make sure to bring all your evidence and witnesses with you to court, as this is the final decision stage. If you're granted a Final Protective Order, you are eligible for relief for up to one year. If you're granted a Final Peace Order, you are eligible for relief for up to six months.

What happens if you need to file an order outside of business hours when the courts are closed? If this occurs, go to the nearest Commissioner's Office (which are open 24/7) to complete either a Petition for Protection from Domestic Violence or a Petition for Peace Order. You then appear before a commissioner who will decide whether to grant you an Interim Order, and what relief to give you. If your Interim Order is granted, the Commissioner will assign a court date for a Temporary Protective Order within 48 hours.

Although it may seem daunting, filing for a Peace Order or Protective Order is one way a victim may start to build a wall between them and their abuser. Knowing these basic steps gives you the advantage to protect yourself and others from their actions.

Website address: Hruth.org

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