



Domestic Violence:

I Think I Want to File a Restraining Order (Victim)

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. Although it may seem daunting, filing for a protective order or peace order is one way you can start to build a wall between you and the abuser. Knowing these basic steps, gives you the advantage to protect yourself and others. You are not alone.

Peace Order vs. Protective Order (Watch 00:18 – 01:04)

- In Maryland, restraining orders are either called a protective order or peace order depending on your relationship to the person you are filing against.
- Am I eligible?
 - Protective orders are for family members and very close relationships as well as persons who raped or committed a sexual offense against you within the past 6 months (or attempted to do so).
 - Peace orders are for everyone not eligible for a protective order.
- What happened?
 - Protective orders are for victims of various forms of assault or attempted assault. It also covers false imprisonment, stalking, and revenge porn.
 - Peace orders cover the same acts as protective orders, as well as other acts including harassment, trespassing, and destruction of property.

The 3 Types of Orders (Watch 01:04 – 01:35)

- There are three types of orders: temporary, final, and interim.
 - Temporary orders are the first step in 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.
 - You can find the nearest courthouse at:
<https://www.courts.state.md.us/district/directories/courtmap>

2201 Argonne Drive, Baltimore, MD 21218 • **24 Hour Hotline:** 410-889-RUTH (7884)

Administrative Office: 410-889-0840 • **Linea en Español:** 410-889-7889 Oprima 8

www.hruth.org • **Facebook:** facebook.com/houseofruthmaryland • **Twitter:** @houseofruthmd



Domestic Violence:

I Think I Want to File a Restraining Order (Victim)

Applying for a Temporary Order (Watch 01:35 – 02:20)

- Securing a protective order and a peace order follow the same process with slight differences.
- Step 1
 - Visit the civil clerk's office in the nearest courthouse in your county during business hours (8:30 AM – 4:30 PM) to fill out a petition for protective order form or a petition for peace order form. You can find your nearest courthouse at:
<https://www.courts.state.md.us/district/directories/courtmap>
 - To file an order, you don't need any documentation. The initial filing simply requires you to write what happened.
 - However, it is helpful to have the full name, address, employer, and a good description of the abuser for the police to be able to serve them if you are granted an order.
- Step 2
 - You appear in front of a judge to explain what happened and what relief you are seeking. You are called the "petitioner" and the person you filed against is called the "respondent."
 - Your lawyer or victim advocate can help you determine what relief you are seeking. Relief can include a stay-away order, an order to leave a shared home, an award of temporary child custody, and anything else that protects you from abuse.

Types of Temporary Relief (Watch 02:20 – 02:55)

- You are eligible for a variety of types of temporary relief with both a protective order and a peace order.
 - With a temporary protective order, the judge may order the abuser to stop abusing you, not contact you, remain away from your job, school, or home, and surrender any firearms.
 - If you are granted a temporary peace order, the judge may order the abuser to refrain from abuse or threats, contact, harassment, or entering your residence and to remain away from your job, school, or home.



Domestic Violence:

I Think I Want to File a Restraining Order (Victim)

Applying for a Temporary Order (Continued) (Watch 02:55 – 03:26)

- Step 3
 - If the judge grants your order, you will get a copy of your temporary protective order or temporary peace order with a date for you to return to court.
 - You can contact legal service providers for representation or represent yourself. Legal service providers can help you complete a protective order or peace order form, represent you in temporary and final hearings, safety plan with you, provide guidance and information if you want to represent yourself, refer you to organizations for further support, and explain the legal process.
 - You can find out more about legal service providers at:
 - Maryland Legal Aid: <https://www.mdlab.org/>
 - Maryland Court Help: <https://www.mdcourts.gov/helpcenter>
- Step 4
 - Law enforcement receives a copy of the temporary protective order or peace order to serve to the other party. The other party must be served by law enforcement; you cannot hand them the papers yourself.

Applying for a Final Order (Watch 03:26 – 04:16)

- Step 1
 - Return to court on the date listed on your temporary order.
 - For a protective order, if the respondent was not served, you can ask the court for a waiver of appearance, so you do not have to come back until the respondent is served.
 - For a peace order, if the respondent was not served, you will have to keep appearing until the respondent is served or the order expires.
- Step 2
 - The court will hear from both parties and decide whether to give you a final order and what relief to grant. Be sure to bring all your evidence and witnesses with you.
 - If you are granted a final protective order, you are eligible for relief for up to one year.
 - If you are granted a final peace order, you are eligible for relief for up to six months.

2201 Argonne Drive, Baltimore, MD 21218 • **24 Hour Hotline:** 410-889-RUTH (7884)

Administrative Office: 410-889-0840 • **Linea en Español:** 410-889-7889 Oprimá 8

www.hruth.org • **Facebook:** facebook.com/houseofruthmaryland • **Twitter:** @houseofruthmd



Domestic Violence:

I Think I Want to File a Restraining Order (Victim)

- You can find out more about legal service providers, who can assist you with determining your evidence and witnesses, at:
 - Maryland Legal Aid: <https://www.mdlab.org/>
 - Maryland Court Help: <https://www.mdcourts.gov/helpcenter>

Applying for an Interim Order (Watch 04:16 – 04:46)

- Step 1
 - If an incident happens when the courts are closed, go to the nearest commissioner's office, which are open 24/7, to complete a petition for protection from domestic violence or a petition for peace order.
 - You can find the nearest commissioner's office at: <https://mdcourts.gov/district/directories/commissionermap>
 - You will appear before a commissioner who will decide whether to grant you an interim protective order or peace order and what relief to give you.
 - If your interim order is granted, the commissioner will give you a court date for a temporary protective order or temporary peace order within 48 hours after the clerk's office reopens.

Online Resources

District Court Locations:

<https://www.courts.state.md.us/district/directories/courtmap>

Maryland Legal Aid:

<https://www.mdlab.org/>

Maryland Commissioner Stations:

<https://mdcourts.gov/district/directories/commissionermap>

Maryland Court Help:

<https://www.mdcourts.gov/helpcenter>

House of Ruth Maryland Hotline: 410-889-RUTH (7884) | www.hruth.org
National Domestic Violence Hotline: 1-800-799-7233 | www.thehotline.org