



INTERIM PROTECTIVE ORDERS, INTERIM PEACE ORDERS, PROTECTIVE ORDERS, PEACE ORDERS & PROTECTIVE ORDER DATABASE

INDEX CODE: 1603.3
EFFECTIVE DATE: 10-05-10

Contents:

- I. Definition – Interim & Court Protective Order
- II. Interim Protective Orders
- III. Protective Orders
- IV. Peace Order
- V. *Interim Protective Order and Court Order Service*
- VI. Protective Order Database
- VII. Enforcement
- VIII. Penalties
- IX. Proponent Unit
- X. Cancellation

Table 1: Enforcement Authority

I. DEFINITION – INTERIM & COURT PROTECTIVE ORDER

A civil order issued by a court of law or equity pertaining to a cause of action of a civil nature.

II. INTERIM PROTECTIVE ORDERS

(MD Code, Family Law Article, Sec. 4-505)

A. Definition of Abuse

(Family Law Article, Sec. 4-501)

“Abuse” means any of the following acts:

- 1. An act that causes serious bodily harm;
- 2. An act that places a person eligible for relief in fear of imminent serious bodily harm;
- 3. Assault in any degree;
- 4. Rape or sexual offense as defined by CR 3-303 through 3-308 of the Code, or attempted rape or sexual offense in any degree; or
- 5. False imprisonment

B. Persons Eligible for Relief

(Family Law Article, Sec. 4-501)

“Persons eligible for relief” includes:

- 1. The current or former spouse of the respondent;
- 2. A cohabitant of the respondent;
- 3. A person related to the respondent by blood, marriage, or adoption;
- 4. A parent, step-parent, or step-child 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 one (1) year before filing of the petition.
- 5. A vulnerable adult; or
- 6. An individual who has a child in common with the respondent.

A person who is eligible for relief as defined in Family Law Article Sec. 4-501(h) may petition the court for an order for protection from abuse. If the court finds reason to believe that a person eligible for relief has been abused, the court may issue an interim protective order.

Interim protective orders should be served immediately upon receipt. They are effective for two (2) days after service and may be extended, but not to exceed thirty (30) days.

III. PROTECTIVE ORDERS

(MD Code, Family Law Article, Sec 4-506)

A protective order hearing is held no later than seven (7) days after service of the interim protective order. The court may issue a protective order if it finds that abuse has occurred, or if the respondent consents. A protective order is effective for the period stated in the order, not to exceed 12 months, unless the court extends the term of the order.

IV. PEACE ORDERS

A peace order may also be obtained by anyone who is not eligible for relief for an interim protective order or a protection order. The peace order is a form of relief available to individuals who are experiencing problems with another person, including someone in a dating relationship, a neighbor, or a stranger. A person may not file for a peace order if they are eligible for a protective order. The process for obtaining a peace order is the same as in an interim protective order. There is also a fee associated with filing and service of the peace order. The courts and the Anne Arundel County Sheriff's Office will determine this fee. Violations of a peace order can result in contempt, criminal prosecution, imprisonment, a fine, or both. Police shall arrest someone if they observe or have probable cause to believe that the order has been violated.

V. INTERIM PROTECTIVE ORDER AND COURT ORDER SERVICE

A. Serving an Interim Protective Order or Court Service Order Issued by a Judge

When in possession of an interim protective order, or court protective order, or upon learning of an unserved interim protective order or court protective order (including orders issued by another jurisdiction), officers will attempt to make immediate service when possible. If there is not a copy of the protective order to be served, officers should access the Protective Order Database to obtain a copy. Service attempts should always be made with the assistance of another officer due to the potential for violence. Attempts at service should always be approached with the same level of caution as a domestic disturbance. Due to the emotionally charged issues at hand, the potential for violence is particularly high. The following procedures will outline service of the interim protective and interim peace orders during these times. These procedures must be followed in order to be in compliance with State Law.

1. Once served, the officer must immediately notify the Sheriff's Office dispatcher on Channel 13A of the service, and provide the dispatcher with requested information; however, the return of service must be faxed to the Sheriff's Office before the end of the officer's tour of duty. (Fax number for the return of service is 410-222-1231.) Included in the return of service will be two numerical identifiers of the respondent, such as date of birth, social security number, or soundex number. If an officer serves a complainant's copy of an interim protective order or court protective order on a respondent, and there is no original Return of Service form to be faxed to the Sheriff's Office, a blank RETURN OF SERVICE form (DV-9) must be completed and faxed. A supply of these blank forms will be maintained at each district station.

2. The return of service and fax receipt will be put in the return of service logbook, located in the booking area.

B. Serving an Interim Protective or Peace Order Issued by a District Court Commissioner After Normal Court Hours

Effective December 18, 2002, anyone may seek relief for protection from abuse after normal court hours, weekends and holidays from the District Court Commissioners in Glen Burnie and Annapolis. The following procedures will outline service of the interim protective and interim peace orders between the hours of 2300 – 0600 (*no Sheriff's Deputies on duty*). In accordance with the Memorandum of Understanding between the Anne Arundel County Police Department and the Anne Arundel County Sheriff's Office, Anne Arundel County Police Officers will assist with serving these orders. ***These procedures must be followed in order to be in compliance with State Law.*** Upon the issuance of an interim protective or interim peace order by the District Court Commissioner, the following will occur:

1. The Sheriff's Office will be notified that an order has been issued.
2. The Sheriff's Office will contact the affected district Booking Officer where the respondent would be served.
3. The Sheriff's Office will fax a copy of the order. If a summons or warrant is issued, an appropriate cover sheet will be faxed to the district Booking Officer.
4. The Booking Officer, or any other personnel working the desk, will log the information, time received, and the time that a supervisor is notified of the existence of the interim protective order or interim peace order in the Interim Protective Order Log.
5. The Booking Officer will notify a patrol supervisor of the order.
6. A patrol supervisor will assign an officer to make service of the interim protective order or interim peace order. ***Service attempts should always be made with the assistance of another officer due to the potential for violence. Attempts at service should always be approached with the same level of caution as a domestic disturbance. Due to the emotionally charged issues at hand, the potential for violence is particularly high.*** The officer will additionally serve any summons or warrant issued.
7. Once served, the officer ***must immediately*** notify the Sheriff's Office dispatcher on Channel ***13A*** of the service, ***and provide the dispatcher with requested information***; however, the return of service must be faxed to the Sheriff's Office by 0600 hours. (fax number is 410-222-1231) Included in the return of service will be two numerical identifiers of the respondent, such as date of birth, social security number, or soundex number.
8. The return of service and fax receipt will be put in the return of service logbook, located in the booking area.
9. In situations where service cannot be made, ***the officer will complete a return of service indicating that the service was not made, and any pertinent information regarding the attempt(s). The return of service must be faxed to the Sheriffs Office by 0600 hours. (fax number is 410-222-1231) The officer will then shred all documentation at that time.***

VI. PROTECTIVE ORDER DATABASE

The use of the Maryland Protective/Peace Order application is strictly for official and law enforcement purposes only. The Maryland Protective/Peace Order Search may be found at <http://jportal.mdcourts.gov>. The Protective Order Database can be utilized to review conditions of a protective order if the petitioner or respondent does not have a copy. Officers have the ability to print a copy of the protective order if needed.

VII. ENFORCEMENT

Family Law Article Sec. 4-509(a) makes failure to comply with certain provisions of an interim protective or protective order a misdemeanor for which a police officer shall arrest in accordance with Family Law Article Sec. 4-509 and Annotated Code of Maryland, CR 2-204. Please refer to Table 1 of this directive for specific guidance on enforcement by arrest. Other provisions of the orders are not enforceable by the police. In such cases, complainants should be referred to the court or to their personal attorney for assistance.

Index Code: 1603.3
Effective Date: 10-05-10

VIII. PENALTIES

Violating an interim protective order, a protective order, or a peace order may result in a conviction, a fine up to \$1,000 and imprisonment up to 90 days for a first offense, or a fine up to \$2,500 and imprisonment up to one (1) year for a second offense.

IX. PROPONENT UNIT: Patrol Services Bureau.

X. CANCELLATION: This directive cancels Index Code 1603.3, dated 4-20-09.

Table 1: Enforcement of interim/temporary protective orders, protective orders, and peace orders.

COURT-ORDERED ACTIONS POSSIBLE	INTERIM/TEMPORARY PROTECTIVE ORDER	FINAL PROTECTIVE ORDER	PEACE ORDER	ARREST
Order the respondent to refrain from contacting or attempting to contact or harass the victim.	X	X	X	Yes
Order the respondent to refrain from further abuse or threats of abuse	X	X	X	Yes
Order the respondent to refrain from entering the residence of the victim.	X	X	X	Yes
Grant temporary possession of the residence to the victim or an adult family member, under certain circumstances.	X	X		Yes
Order the respondent to stay away from the victim's place of employment, school, or temporary residence.	X	X	X	Yes
Award temporary custody of minor children.	X	X		No
Establish temporary visitation and conditions.		X		No**
Award emergency family maintenance.		X		No**
Award temporary use and possession of a jointly-owned family car.		X		No**
Order counseling		X	X	No**
Order respondents to surrender firearms in respondents possession to law enforcement		X		Yes*
Order respondent to pay court costs.		X	X	No**
Application fee for order.	No	No	Yes	

*Arrest mandated if Officer has Probable Cause to make arrest.

Enforcement of the previous marked with () should include providing victim/witness assistance and information as indicated by the circumstances of each case (see Index Code 1602) and referring the complainant to the court or to their personal attorney.