

Petition for a Maryland Peace Order and how it differs from a Domestic Violence Case

What is a Peace Order and What Purpose Does it Serve

The Peace Order Act (Md. Courts and Jud. Proc. §3-1501 et seq.) allows any person who has been subjected to abuse, harassment, stalking, trespass, or malicious destruction of property to seek relief in the Maryland District Courts effective October 1, 1999.

Major Differences Between a Petition for a Peace Order and a Petition for Protection from Domestic Violence

A) Respondent's Relationship with Petitioner: In order to be a "person eligible for relief" under the Domestic Violence Statute (Md. Family Law Article §4-501 et seq.), the petitioner must be the current or former spouse of the respondent, a cohabitant or relative of the respondent, or have a child in common with the respondent. By contrast, the nature of the relationship between petitioner and respondent is not a factor when petitioning the court for a Peace Order.

B) Respondent's Acts Against Petitioner: The Domestic Violence Statute protects only those individuals who have been victims of "abuse." According to §4-501, "abuse" is defined as "an act that causes serious bodily harm or places a person in fear of serious bodily harm, assault in any degree, an actual or attempted rape or sexual offense, or false imprisonment." Besides protecting victims of "abuse" as defined, the Peace Order Act also protects individuals who have suffered from other offensive acts, including harassment, stalking, trespass, and malicious destruction of property.

Because the Peace Order Act and the Domestic Violence Statute were adopted for different purposes, petitioners entitled to relief under the Domestic Violence Statute are not entitled to seek relief under the Peace Order Act.

Other Differences Between a Petition for a Peace Order and a Petition for Relief from Domestic Violence

A) Jurisdiction: While individuals may file a Domestic Violence Petition in either District Court or Circuit Court, individuals may file a Peace Order Petition only in District Court

B) Timing of Respondent's Acts: Individuals must file a Peace Order Petition no more than 30 days after the respondent committed the alleged act or acts against the petitioner, whereas a Domestic Violence Petition may be filed at any time, regardless of when the respondent committed the alleged act or acts.

C) Address of Petitioner: If the petitioner for a Peace Order alleges and the court finds that disclosure of petitioner's address would create future risk to petitioner, the court will strike

petitioner's address from the petition and from all other court documents. The Domestic Violence Petition contains no such protection for the petitioner.

D) Temporary Orders: Temporary *Ex Parte* Protective Orders under the Domestic Violence Statute provide more protection for petitioners than Temporary *Ex Parte* Peace Orders. While both Orders prohibit the respondent from entering the petitioner's residence, school, or workplace, a Temporary *Ex Parte* Protective Order enables courts (i) to order the respondent to vacate the petitioner's home if certain requirements are met; and (ii) to award the petitioner temporary custody of a minor child of the petitioner and the respondent.

E) The duration of a Protective Order under the Domestic Violence Statute is 12 months, while a Peace Order expires after 6 months. The Peace Order provides only the "relief that is minimally necessary to protect petitioner," while a Domestic Protective Order provides a much broader range of protective measures. First, the Protective Order allows courts to require respondents to surrender their firearms to law enforcement officers for the duration of the Order. The Peace Order contains no such firearms provision. Second, the Protective Order enables courts to order emergency family maintenance, temporary child custody and/or visitation, and prohibitions against the respondent's use of a jointly-owned residence or vehicle, while the Peace Order contains no such provisions.

F) The Peace Order Statute allows courts to order both parties to pay filing fees, while the Protective Order allows the court to impose filing fees only on the respondent.

G) Modification or Extension of Orders: The Peace Order Act provides that the District Court may "modify or enforce" a Peace Order, but the statute does not expressly authorize the District Court to extend the term of the order at its discretion. In contrast, the Domestic Violence Statute gives courts the power to extend the term of a Domestic Protective Order for 6 months, provided the petitioner proves good cause.

H) Criminal Penalties: The Domestic Violence Statute and the Peace Order Act provide the same penalties for the respondent's first violation of the Order: the respondent shall be declared guilty of a misdemeanor and, upon conviction, be subject to a maximum \$1,000.00 fine, 90 day imprisonment, or both. However, the Peace Order Act does not provide penalties for the respondent's subsequent violations, whereas the Domestic Violence Article provides that the respondent will be subject to a maximum \$2,500.00 fine, 1 year imprisonment, or both for subsequent violations of a Protective Order.

The Peace Order Act imposes criminal penalties on petitioners for providing false information on a Peace Order Petition (a maximum \$1,000.00 fine, 90 day imprisonment, or both), whereas the Domestic Violence Statute imposes no criminal penalties on petitioners under any circumstances.