



PROTECTIVE ORDERS & PEACE ORDERS

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Table 1: Enforcement Authority

I. COURT PROTECTIVE ORDER

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 a protective order.

Interim Protective Order (MD Code, Family Law Article, Sec. 4-504.1) – A Court Protective Order issued by a Court Commissioner during non-court hours pending a hearing by a judge on a Protective Order petition.

Temporary Protective Order (MD Code, Family Law Article, Sec. 4-505) – A Court Protective Order issued by a judge, normally for Seven (7) days, pending a Final Protective Order hearing.

Final Protective Order (MD Code, Family Law Article, Sec 4-506) – A Court Protective Order issued by a judge for an extended period of time, not to exceed two (2) years.

- A. Definition of Abuse
(MD Code 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
(MD Code, 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.

II. 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 a 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.

III. COURT ORDER SERVICE

A. Serving a Temporary Protective Order, Temporary Peace Order or Final Protective Order Issued by a Judge

1. When in possession of a temporary protective order, temporary peace order, or final protective order, or upon learning of an unserved temporary protective order, temporary peace order or final protective order (including orders issued by another jurisdiction), officers will attempt to make immediate service when possible. 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.
2. Upon serving a temporary protective order, special attention must be given to the actual order itself, to determine if the respondent must surrender firearms to law enforcement. If the order does state that the respondent must surrender firearms to law enforcement, the serving officer must ask the respondent if her/she has any firearms. All final protective orders require the respondent to surrender his/her firearms to law enforcement. If the respondent voluntarily surrenders the firearms to the officer, the officer must accept the firearm(s). If the respondent admits they do have firearms in their immediate possession or the officer has probable cause to believe that the respondent has firearms in their immediate possession, but the respondent refuses to surrender them, the officer will advise the respondent that they are subject to arrest for violation of the Protective Order. If the respondent still refuses to surrender the firearm, the officer will arrest the respondent for the violation of Protective Order. If no other individual has legal authority to give consent to the officer and allow officers access into the home or other location to secure any firearms, the officer will contact a District Detective to file for a search warrant for the residence.

Officers coming into possession of firearms and/or ammunition in accordance with the above shall at the time of surrender or seizure:

- a. Issue a Firearms/Ammunition Receipt (PD 1201.2) to the Respondent identifying the make, model, and serial number of all firearms seized or surrendered;
- b. Complete an Offense/Incident Report using Incident Type, "Court Order (Service Of)"; (or a Supplement Report if the Offense/Incident Report related to the offense/incident has previously been submitted), including describing the firearm by make, model, serial number, caliber, and any other identifying characteristics on the Property Card side panel of the report. The name and address of the owner will be included in addition to the person the firearm was in possession of when recovered, if different from the owner. The Offense/Incident Report must be submitted to the records management system prior to the end of the officer's shift.

The Reason for Police Custody, "SAFEKEEPING – Protective Order (Release pending order & review) will be used on the Property Card in the records management system.

- c. Submit a PDF copy of the completed Firearms/Ammunition Receipt (PD 1201.2) as an attachment to the Report.
 - d. Submit the original copy of the receipt with the firearm(s) to Property Management; and
 - e. Transport and store any firearms in accordance with Index Code 1201.2.
3. 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 scanned and emailed to the Sheriff's Office before the end of the officer's tour of duty (aacoso-return-of-service@aacounty.org). 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 scanned and emailed to the Sheriff's Office, a blank RETURN OF SERVICE form (DV-9) must be completed and scanned/emailed. A supply of these blank forms will be maintained at each district station.
 4. 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

The following procedures will outline service of the interim protective and interim peace orders *when* no Sheriff's Deputies *are* 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 email a copy of the order to the appropriate district where the respondent would be served. The Sheriff's Office will also contact Teletype to make sure that appropriate district personnel are notified (desk officer, patrol supervisor, etc).
3. The Desk Officer 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.
4. The Desk Officer will notify a patrol supervisor of the order, if they already haven't been notified by Teletype.
5. 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.
6. 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 scanned and emailed to the Sheriff's Office by the end of the officer's tour of duty (aacoso-return-of-service@aacounty.org). 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.
7. The return of service will be put in the return of service logbook.

8. 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 scanned and emailed to the Sheriff's Office (aacoso-return-of-service@aacounty.org). The officer will then shred all documentation at that time.

IV. 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.

V. 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.

VI. 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.

VII. PROPONENT UNIT: Bureau of Patrol.

VIII. CANCELLATION: This directive cancels Index Code 1603.3, dated *11-15-21*.

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 (Temporary Order only if Judge orders it)	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.