



Summary of Maryland's Legal Landscape of the Civil Protective Order Process

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Table of Contents

Filing Process	3
What to File	3
Where to File	3
Jurisdiction	3
Locations to File	3
Transfers to Circuit Court.....	4
Who can file	4
Relationship	4
Definition of Abuse	5
Types of Orders	5
Interim	5
Standard of Proof	5
Duration	5
Relief	5
Temporary	6
Standard of Proof	6
Duration	7
Relief	7
Final	7
Standard of Proof	7
Duration	8
Relief	8
Mutual Protective Orders	8
Service	8
Victim Notification	9
Service by Mail	9
Firearm Surrender	9
LEO Response to a Domestic Violence Incident	9
Notice of victim rights at an incident of domestic violence	9
Firearm Removal from Scene.....	10
Violations	10
Foreign Protective Orders	10
Law Enforcement Response to Violations	10
Criminal sanctions.....	11
Shielding of PO Records, Modification, Extension, Expiration	11
Shielding of PO Records	11
Modification	12
Extension	12
Firearm Possession Prohibition	12

Filing Process

What to File

A survivor must file a petition that alleges abuse by a person who is eligible for relief. Md. Code Ann., Family Law § 4-504(a)(1). The petition must be made under oath and contain:

- the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent;
- each previous action between the parties in any court;
- each pending action between the parties in any court;
- the whereabouts of the respondent, if known;
- if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and
- in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult. Md. Code Ann., Family Law § 4-504(b)(1)

A Petitioner cannot be charged any fees or costs in association with the issuance or service of an interim, temporary, or final protective order, or a witness subpoena. Md. Code Ann., Family Law § 4-504(c)

Where to File

Jurisdiction

A petition for a protective order may be filed in Maryland if the abuse happened in Maryland or the protected party is a Maryland Resident. Md. Code Ann., Family Law § 4-504(a)(2).

Locations to File

Petitions can be filed:

- In-person at courthouse. Md. Code Ann., Family Law § 4-504(a)(1)
- With the Commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business. Md. Code Ann., Family Law § 4-504.1(a).
- Electronically From the following locations
 - a domestic violence prevention or assistance program;
 - a sexual assault prevention or assistance program;
 - a human trafficking prevention or assistance program;

- a child advocacy center;
- a vulnerable adult program;
- a hospital where the petitioner is receiving medical treatment, while the petitioner is at the hospital; or
- another location approved by the court. Md. Code Ann., Family Law § 4-505.1(b).
- If the petition is filed electronically, the hearing is conducted via video conferencing
 - (1) the same business day if the petition is filed during regular court hours and the court is open; or
 - (2) the next business day the court is open if the petition is not filed during regular court hours. Md. Code Ann., Family Law § 4-505.1(d).

Transfers to Circuit Court

If there is a pending action involving one or both of the parties in which there is a request for relief that is similar to that being sought in District Court and it is in the interests of justice, the case should be transferred to Circuit Court. Md. Rule 3-326(c)

Who can file

Relationship

To qualify for a DVPO, a petitioner must be

- the current or former spouse of the respondent;
- a cohabitant of the respondent (defining “cohabitant” as a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition by Md. Code Ann., Family Law § 4-501(d)).
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild 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 1 year before the filing of the petition;
- a vulnerable adult;
- an individual who has a child in common with the respondent;
- an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; and
- an individual who alleges that the respondent committed, within 6 months before the filing of the petition, any of the following acts against the individual:

- (i) rape or a sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article; or
- (ii) attempted rape or sexual offense in any degree. Md. Code Ann., Family Law § 4-501(n)

Note-a person with a qualifying relationship is not eligible for a peace order. Md. Code Ann., Family Law § 4-510(b).

Definition of Abuse

Abuse is defined as:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
- false imprisonment;
- stalking under § 3-802 of the Criminal Law Article; or
- revenge porn under § 3-809 of the Criminal Law Article. Md. Code Ann., Family Law § 4-501(b)(1).

Types of Orders

Interim

Standard of Proof

The standard of proof to receive an interim protective order is “reasonable grounds to believe that the respondent has abused a person eligible for relief.” Md. Code Ann., Family Law § 4-504.1(b).

Duration

An interim PO is effective until the TPO hearing or two business days after issuance. Md. Code Ann., Family Law § 4-504(h)(1). A temporary protective order hearing shall occur “on the first or second day on which a District Court judge is sitting after issuance of the interim protective order.” It can be continued for good cause. Md. Code Ann., Family Law § 4-504.1(e)(ii).

Relief

Does not include firearms.

An interim PO can

- order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;
- order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;
- order the respondent to refrain from entering the residence of a person eligible for relief;
- if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:
 - order the respondent to vacate the home immediately;
 - award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and
 - subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;
- in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;
- in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;
- order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;
- order the respondent to remain away from the residence of any family member of a person eligible for relief; or
- award temporary possession of any pet of the person eligible for relief or the respondent. Md. Code Ann., Family Law § 4-504.1(b).
- The Commissioner can also order that law enforcement may use reasonable and necessary force to return the children. Md. Code Ann., Family Law § 4-504.1(c).

Temporary

Standard of Proof

The standard of proof to receive a temporary protective order (TPO) is “Reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.” In making this determination the “judge may consider whether a military protection order has been issued against the respondent for the same or similar conduct.” Md. Code Ann., Family Law § 4-505(a)(1)(i)-(ii) (the provision regarding military protection orders was added in 2025).

The court can convert the TPO hearing into a final hearing if there was personal service on respondent and both parties consent to waive the TPO hearing. Md. Code Ann., Family Law § 4-505(d).

Duration

A TPO can last no more than seven days after service of the order. Md. Code Ann., Family Law § 4-505(c)(1).¹ It can be extended up to six months for service “where necessary to provide protection or for other good cause.” Md. Code Ann., Family Law § 4-505(c)(2). If the court is closed on the date of expiration, the TPO is effective until the second day on which the court is open to hold the final hearing. Md. Code Ann., Family Law § 4-505(c)(3).

Relief

Relief is similar to interim orders with a few additions that the court may

- order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;
- It can award temporary custody of a child regardless of whether there was a shared residence between the parties
- order the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:
 - “the use of a firearm by the respondent against a person eligible for relief;
 - a threat by the respondent to use a firearm against a person eligible for relief;
 - serious bodily harm to a person eligible for relief caused by the respondent; or
 - a threat by the respondent to cause serious bodily harm to a person eligible for relief;” Md. Code Ann., Family Law § 4-505(a)(2).

Final

Standard of Proof

If the “judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.” Md. Code Ann., Family

¹ The duration of the TPO may be amended by proposed legislation, HB0497, which changes the duration to no longer than 14 days after issuance.

<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0497?ys=2026RS>

Law § 4-506(c)(1)(ii). In making this determination the court shall review court records involving the parties. Md. Code Ann., Family Law § 4-506(e); *Coburn v. Coburn*, 342 Md. 244, 262, 674 A.2d 951, 960 (1996) (holding that allegations of a prior history of abuse are admissible at a protective order hearing regardless of whether such allegations were sufficiently pleaded in the original petition for protection).

Duration

FPOs generally are not to exceed one year. They can last up to two years if an act of abuse committed was committed within a year after a previous PO expired. Md. Code Ann., Family Law § 4-506(j)(2). FPOs may be permanent under certain conditions such as consent. Md. Code Ann., Family Law § 4-506(k) (note, “consent” portion was added in 2025). However, relief in a permanent order is limited to refraining from abuse, threats to abuse and no contact provisions. Md. Code Ann., Family Law § 4-506(k)(2)

Relief

Relief in an FPO is similar to TPO relief with the additions of granting the respondent visitation with a minor child, granting the petitioner emergency family maintenance, temporary use and possession of a jointly owned vehicle, ordering respondent or any persons eligible for relief to participate in supervised counseling or a DV program, ordering respondent to pay fees/costs for the proceeding, and a catch-all provision. Md. Code Ann., Family Law § 4-506(d). Furthermore, the FPO *shall* order to surrender firearms to LEO and refrain from possession. Md. Code Ann., Family Law § 4-506(f)

Mutual Protective Orders

The court can issue a mutual PO if both parties filed petitions for a protective order and the “judge finds by a preponderance of the evidence that mutual abuse has occurred,” and findings that “both parties acted as primary aggressors and neither party acted in self defense.” Md. Code Ann., Family Law § 4-506(c)(3)

Service

If an interim PO is issued, the order and petition are immediately forwarded to LEO for service. Md. Code Ann., Family Law § 4-504(f)(1). If a TPO is issued, the order and petition are immediately forwarded to LEO for service. Md. Code Ann., Family Law § 4-505(b)(1). Law enforcement is to immediately serve the respondent, fill out the return of service, and notify the Department of Public Safety electronically within two hours of service. Md. Code Ann., Family Law § 4-504(g)

Victim Notification

Victim can request, via a form, victim notification of service of the order. Such notification will be within one hour of when the officer notifies the Department of Public Safety and Correctional Services electronically of the service. Md. Code Ann., Family Law § 4-504(d)(1).

Service by Mail

If the respondent was served with an interim order, service of the TPO can be done in open court or by first-class mail. Md. Code Ann., Family Law § 4-505(b)(2). If the respondent fails to show to the hearing after being served with a TPO, the TPO contains a notice that respondent will be served by first class mail. Md. Code Ann., Family Law § 4-506(b)(2).

The Interim PO contains language that “if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first-class mail at the respondent’s last known address.” Md. Code Ann., Family Law § 4-504(e)(2)(i)(2). The TPO contains similar language. Md. Code Ann., Family Law § 4-506(b)(2)(i); see *Ruby v. Ruby*, No. 308, 2018 Md. App. LEXIS 826, at *21 (Md. App. Aug. 27, 2018) (finding that the circuit court did not abuse its discretion in denying a motion to vacate a FPO based on the argument that defendant did not have notice when defendant was personally served with the TPO, the hearing date was changed and that date was mailed to defendant, but defendant failed to show at that hearing date); *Johnson v. Johnson*, No. 1262, 2025 Md. App. LEXIS 499, at *16 (Md. App. June 13, 2025) (upholding an extension of a protection order where respondent claimed that he did not receive the mailed notice of the court date stating that “proof of receipt is not required.”).

Firearm Surrender

If the Respondent surrenders firearms, LEO shall give the respondent information on getting them back and “transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.” Md. Code Ann., Family Law § 4-506.1(a). The Respondent can transport unloaded firearms, with notice to LEO, when transporting firearms to surrender them. Md. Code Ann., Family Law § 4-506.1(c)

LEO Response to a Domestic Violence Incident

Notice of victim rights at an incident of domestic violence

At a domestic violence call, law enforcement is to give the victim a notice with the local DV organization, that they can request criminal charges or that they can file for a PO in district or circuit court (or with a commissioner if the courts are closed).

Firearm Removal from Scene

If law enforcement has probable cause that an act of domestic violence occurred and see a firearm on scene, they can remove it. They need to provide the respondent with information on retrieving the firearm and that it will be safely stored for the pendency of any proceeding related to the domestic violence. At the end of the proceeding, the respondent can get the firearms back unless ordered to surrender under a protection order. Md. Code Ann., Family Law § 4-511

Violations

Foreign Protective Orders

- Defined as temporary or final order
 - (i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;
 - (ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and
 - (iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.
 - Does not include child support or child custody orders. Md. Code Ann., Family Law § 4-508.1(a)
 - The intent is to afford full faith and credit to the extent required by fed law. Md. Code Ann., Family Law § 4-508(e)
- The relief is enforceable to the extent that the relief is permitted under a similar MD PO. Md. Code Ann., Family Law § 4-508(b)

Law Enforcement Response to Violations

Law enforcement response to violations of foreign orders is a mandatory arrest upon probable cause if order is registered in that jurisdiction or copy of the order appears valid on its face. Md. Code Ann., Family Law § 4-508(c). Law enforcement have immunity from civil liability if they acted in good faith. Md. Code Ann., Family Law § 4-508(d). Law enforcement response to violations of Maryland protective orders is a mandatory arrest, with or without a warrant, based upon probable cause. Md. Code Ann., Family Law § 4-509(f)(1). If law enforcement has probable cause to believe there is a violation of a military protection order entered into NCIC, the law enforcement shall notify the law enforcement agency that entered the order into NCIC. Md. Code Ann., Family Law § 4-509(f)(1) (added in 2025).

Criminal sanctions

The following elements must be proven:

- the issuance and service of a Protective Order upon the respondent;
- the viability of that Protective Order at the time of the charged conduct; and
- the actions that violate the provisions of the order. *Petersen v. State*, No. 2726, 2018 Md. App. LEXIS 813, at *33 (Md. App. Aug. 22, 2018).
- There is no specific intent requirement that the respondent “knowingly violated” the order. *Petersen v. State*, No. 2726, 2018 Md. App. LEXIS 813, at *33 (Md. App. Aug. 22, 2018).

Maryland POs state that violations may result in criminal prosecution/imprisonment. Md. Code Ann., Family Law § 4-508(a). Violations of the following forms of relief in an interim, temporary, or final PO are criminal

- Refrain from abuse
- No contact
- Refrain from entering residence
- Possession of the home (interim PO this is only vacating the residence).
- Stay away from job, school, or home of family members
- Firearm surrender. Md. Code Ann., Family Law § 4-509(a)

Violations are a misdemeanor and sanctions are

- For the first offense, up to \$1000 fine and/or up to 90 days in jail; and
- For second and subsequent offense, up to \$2500 fine and up to one year in jail. Md. Code Ann., Family Law § 4-509(b).

A conviction may not merge, and sentence may either run concurrent or consecutive, for a crime based on the act establishing the violation. Md. Code Ann., Family Law § 4-509(c)-(d) (added in 2025).

Shielding of PO Records, Modification, Extension, Expiration

Shielding of PO Records

If a protective order case was dismissed or denied, or the respondent consented to the entry of a PO, the records may be shielded from the general public. Md. Code Ann., Family Law § 4-512.

Modification

Protective orders can be modified/rescinded upon notice to all parties and a hearing. Md. Code Ann., Family Law § 4-507(a)(1).

Extension

- For up to six months-
 - Standard-Good cause
 - Upon notice to all parties and a hearing. Md. Code Ann., Family Law § 4-507(a)(2).
- Not to exceed 2 years-
 - With notice to all parties & a hearing. Md. Code Ann., Family Law § 4-507(a)(3)(ii)
 - By consent OR
 - Upon proof, by the preponderance of the evidence that Respondent committed a subsequent act of abuse against a protected party. Md. Code Ann., Family Law § 4-507(a)(3)(i)
 - Length of time determined by statutory factors. Md. Code Ann., Family Law § 4-507(a)(3)(iii)
- If motion filed while PO is active
 - Hearing w/in 30 days of filing
 - If order expires, it is automatically extended until the hearing. Md. Code Ann., Family Law § 4-507(a)(4)
- De novo appeal to circuit court. Order remains in effect until order of circuit court. Md. Code Ann., Family Law § 4-507(b)
- Firearm return
 - Firearms won't be returned if respondent has a final PO against them that orders surrender of firearms or if the respondent is not legally allowed to possess a firearm. Md. Code Ann., Family Law § 4-506.1(b)

Firearm Possession Prohibition

- It is illegal to possess a firearm if the person was convicted and on supervised probation for violation of a protective order (new provision added in 2025) or is a respondent in a non-ex parte Maryland CPO, or a foreign order as defined by Md. Code Ann., Family Law § 4-508.1. Md. Code Ann., Pub. Safety § 5-133(b)(4)(iii), (b)(14), (b-1).
 - The respondent may possess an unloaded firearm to transfer to law enforcement after notifying law enforcement that the firearm is being

transported and the respondent is also possessing the CPO. Md. Code Ann., Pub. Safety § 5-133(e).

- This prohibition was generally upheld under *U.S. v. Rahimi*. Jackson v. Jackson, No. 2118, 2024 Md. App. LEXIS 698 (Md. App. Sept. 10, 2024).
- The Maryland Gun Center is the statewide firearms enforcement center for the tracking, screening, and vetting of firearms surrendered under final protective orders. Md. Code Ann., Pub. Safety § 5-802(a)(2).