

Domestic Violence (Part 4): Did You Get Served with a Protective Order?

Hello. I understand that receiving and responding to a protective order can be a complicated process at a very difficult time in your life. This series is aimed at helping you get through that court process with as much ease as possible.

Let's begin.

FULL-SCREEN ROAD MAP

Temporary Order

Know Your Rights

What Happens at a Hearing?

Consent/Agree

Contest/Challenge

This video looks at the court process for the alleged abuser, or the Respondent. We'll discuss the importance of carefully reading the temporary order and where you can find resources to learn about your rights. We'll also explain what happens at a hearing, and the choice you'll be asked to make: Whether to consent or agree to the entry of an order or to contest or challenge the order.

The court grants protective orders to keep people safe from domestic violence. If you have been served with a temporary order, you may have a chance to tell the court what happened between you and the other person. Let's take a look at what the temporary protective order served on you entails.

CHAPTER HEADING: Temporary Order

When law enforcement serves you with a protective order, you are identified as the Respondent. This does not mean you are being arrested or charged with a crime. There may be criminal charges, but not in every case. The order includes a description of what the other person, identified as the Petitioner, says happened between you. Most importantly, the order directs how much contact, if any, you may have with this person. Read it carefully and follow the instructions. If you fail to comply, you may be arrested and charged with a crime. Make note of your hearing date, too.

Consider getting legal help before your court date.

CHAPTER HEADING: Know Your Rights

Protective orders can have serious consequences. This is not a criminal case, so you are not entitled to a public defender. A lawyer can explain your rights or represent you in court. Visit mdcourts.gov/dv to find legal resources. You can also speak to a lawyer for free when you call the Maryland Court Help Center at 410-260-1392. Those lawyers can't represent you, but they can give you legal advice and direct you to lawyer referral services.

Whether you get legal help or not, you are expected to appear at the hearing.

CHAPTER HEADING: What Happens at a Hearing?

A protective order hearing is public, so expect to see people in the court room. When it's your turn, be sure to let the judge know if you have criminal charges pending as a result of the allegations against you. If you do have pending charges, talk to a lawyer before your court date.

At the beginning of your hearing, the judge will ask whether you want to agree to the order. The judge will probably use the word "consent." You may also choose to challenge the order. Look for the judge to

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use the word “contest.” Let me explain what those two words – consent and contest – mean in a protective order hearing.

SUBCHAPTER HEADING: Consent/Agree

If you consent, or agree, to the entry of the protective order, you do not admit fault. There will be no trial. No one will testify. The final protective order will be entered against you for up to one year. During this time, you must obey the order, which will detail how much contact, if any, you’re allowed to have with the other person. It will also include other terms, including information about having to surrender your firearms. When the protective order ends, you may ask the court to have the records kept private. Find a brochure about limiting access to protective order records at mdcourts.gov/dv.

Your second option is to contest or challenge the order.

SUBCHAPTER HEADING: Contest/Challenge

If you contest or challenge the order, it means you will have a trial with a chance to tell your side of the story. The other person, identified as the Petitioner, will present their case first. They will testify about the events that led to them filing for protection. They may call witnesses and present evidence. You will have a chance to question or cross-examine those witnesses. When the Petitioner is done, you, the Respondent, will have a chance to testify, call witnesses, and present evidence, too. You both are expected to follow court rules and know the law.

At the end of the hearing, the judge will decide whether to grant or deny the protective order. If they grant the order, it may last for up to one year. In some unusual cases, an order may be in place for two years or permanently.

If the judge grants an order, you will be limited in your efforts to keep court records private after the order expires.

That was a lot of information. Let’s recap.

CHAPTER HEADING: Let’s Review

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Remember, when you are served, read the temporary order carefully and follow it. If you don’t comply with the order, you may be arrested. If possible, get legal help and learn about your rights before your hearing. When you appear in court, you have two options. You may consent, or agree, to the entry of an order and have no trial. Or, you may contest, or challenge, the protective order and present your case to the judge.

Keeping people safe from domestic violence is important. Visit mdcourts.gov/dv for more information.

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