

TIP 53

Domestic Violence Part 2: Protective Order Safeguards

Protective Orders are court orders that require one person to refrain from doing certain acts against another person. It's Maryland's version of a restraining order or stay-away order. The protective order process can be a dangerous time for a victim of domestic violence. **Stay alert and find help at mdcourts.gov/dv or call a Maryland Court Help Center at 410-260-1392.**

Watch the Video



Short Term Safeguards

- If courts are closed when you need protection, visit a District Court [Commissioner's Office](#) to ask for an interim protective order. This interim order will be in place for a couple of days until you can appear before a judge.
- If courts are open, file documents at a courthouse to ask for a temporary protective order. This type of order is in place for about a week, unless it's extended by the court.
- In these short-term protective orders, the court can:
 - Order the other person to stop abusing, threatening, or harassing you;
 - Order the other person to have no contact with you and to stay away from your home, work, or school;
 - If you are married to the other person, the court may order them to leave your home.
 - If you are not married but living together, the court is limited in what it can do. A judge may issue a temporary order requiring the other person to leave only if your name is on the lease or deed and you have lived there for more than 90 days in the past year;
 - If you have children together, the court can award temporary custody to one of the parties. A commissioner may only award custody if the parties reside together; and
 - Award possession of a pet to either you or the other person.
- Only a judge may grant temporary safeguards about childcare providers and require the other person to surrender firearms.



Maryland Court Help

Free. Online. In Person. By Phone.

Final Protective Orders

- A judge can grant the same protections from an interim or temporary order for up to a year at your final protective order hearing.
- A final order may have additional safeguards including:
 - Who will use a jointly owned vehicle while a protective order is in place;
 - Order one person to get counseling for domestic violence or substance abuse; and
 - An order requiring the other person to pay court fees.

Child Custody and Emergency Family Maintenance

- If you and the other person have a child together, the court may establish temporary custody and a visitation schedule at your final hearing. Keep in mind this arrangement is in place only until the protective order expires, which is usually in a year.
- If you need a permanent custody order, learn how at mdcourts.gov/custody. Tell the court if you already have a custody order when you ask for a protective order.
- A judge may decide at the final hearing whether you need financial support. This is called **emergency family maintenance**. You may qualify if you and the other person are married, or if you have custody of children.
- Bring financial information to support your request for emergency family maintenance such as pay stubs and proof of expenses like mortgage, lease, utilities, insurances, and daycare.