

What to Bring to Court

The judges are looking for dates and times at which the events occurred. Judges may also want to see:

- ⇒ Pictures of any physical injuries
- ⇒ Text messages from the event or after the event
- ⇒ Social media messages or posts
- ⇒ Medical records
- ⇒ Documents proving income for monetary support (W-2's, tax returns, etc.)
- ⇒ Current custody order, if applicable
- ⇒ Deeds and titles to the house and cars, if applicable
- ⇒ Rental agreements for property
- ⇒ Any other documents you feel are relevant

Questions?

For more information about protective orders, please contact the Southern Maryland Center for Family Advocacy by phone at **(301)-373-4141** or visit our website at **www.SMCFA.net**.

We're here to help

COVID19 CHANGES

Due to the ongoing COVID19 pandemic, our advocates are working remotely. Please reach out to the advocate in your respective county for more information.

St. Mary's County

Marcus

(240) 925-8550

Charles County

Karen

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Calvert County

Colleen

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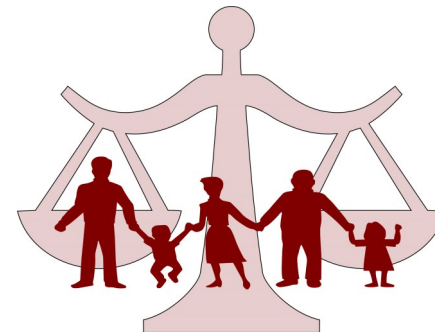
Online: www.SMCFA.net

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What is a Protective Order?

THE SOUTHERN MARYLAND
CENTER FOR FAMILY ADVOCACY



A **protective order** is a civil court order that helps protect the Petitioner from any further abuse or harassment from the Respondent. In order to receive a Final Protective Order, the Petitioner must establish by a preponderance of the evidence—convincing evidence based on probable truth or accuracy and not necessarily based on the amount of evidence—that the Respondent has:

- Assaulted (physically or sexually) the Petitioner
- Stalked the Petitioner
- Placed the Petitioner in fear of imminent bodily harm
- Posted explicit pictures of the Petitioner without consent
- Falsely imprisoned the Petitioner
- Committed any abuse to a vulnerable adult
- Caused mental abuse to a minor

Possible Outcomes in Court

⇒ Continuation to Seek Legal Representation

Judges typically allow one continuation to seek counsel from either party in the interest of justice.

⇒ Continuation for Lack of Service

If the Respondent is not served with the Temporary Protective Order, the Judge will extend the Temporary Protective Order for up to six months until the Respondent is served.

⇒ Dismissal by Petitioner

The petitioner has the right to dismiss the protective order. This dismissal may be without prejudice if it is the first time you are asking for a dismissal. This means that the Petitioner can file for a protective order in the future without any other events taking place between the Petitioner and the Respondent. The dismissal can also be with prejudice, which means that the Respondent would have to do something else to give cause for a protective order in order for the Petitioner to file again. The Petitioner may also want to dismiss because the Petitioner has a 5th Amendment right not to incriminate themselves and may not want to give testimony on the record.

⇒ One-Sided Hearing

If the Respondent does not appear at the Final Protective Order hearing and was served, the Judge will hear testimony from the Petitioner to see whether or not s/he has established, by a preponderance of the evidence, that a Final Protective Order judgement should be entered, and the Judge will make a finding of abuse that does not come off of the Respondent's record. A warrant will not be issued if the Respondent's fails to appear.

⇒ Consent

The Respondent has the right to consent to a Final Protective Order entered against him/her.

- A consent is negotiated by you or your attorney and the opposing party.
- A consent has no finding of wrongdoing by the Respondent (the Judge does not take any testimony and does not find that the Respondent has assaulted the Petitioner or placed the Petitioner in fear).

- A consent can be shielded from the Respondent's record after a protective order expires if the Respondent does not violate the terms of the order.
- A consent is beneficial to the Petitioner in that it is a guaranteed Final Protective Order.

⇒ Full Hearing

If the Respondent appears at the Final Protective Order hearing and does not want to consent to an order against him/her, the Respondent has the right to a hearing. The Petitioner must testify before the Judge to establish, by a preponderance of the evidence, why he/she is entitled to a Final Protective Order. If the Respondent wishes to go forward with a hearing and the Judge grants a Final Protective order, the Judge will make a finding of abuse that does not come off of the Respondent's record.

What does a Final Protective Order hearing look like?

⇒ Direct Examination

- **Preliminary Questions**– The Judge will ask questions that will tell him/her whether or not the Petitioner is eligible to file for a protective order.
- **The Most Recent Event**- A Judge will want to hear the most recent event that has happened between the Petitioner and the Respondent that fits within the legal grounds for filing a protective order.
- **Past Abuse**- Past abuse is relevant in a Final Protective Order hearing.



- **Custody and Family Maintenance**- After grounds for a Final Protective Order have been established, the Petitioner can present evidence as to why they need temporary monetary support or why custody should be ordered.
- **Relief Sought**- After all of the evidence and relevant testimony has been given, the Petitioner may then tell the Judge what relief s/he is asking for in the Final Protective Order.

⇒ Petitioner's Cross-Examination

- The Respondent or his/her attorney has the right to question you based on your testimony.

⇒ Respondent's Testimony

- The Respondent may now testify as to why a Final Protective Order should not be granted against him/her.

⇒ Respondent's Cross-Examination

- You or your attorney may now question the Respondent based on his/her testimony. This is not a time to continue your testimony but rather to ask the Respondent questions based on what s/he has told the Judge.

⇒ Rebuttal

- At this time, you may offer testimony to contradict the Respondent's testimony.

⇒ Judge's Ruling

- The Judge may now grant or deny the Final Protective Order based on the testimony given and the evidence presented. A protective order may order that the Respondent:
 - * Not abuse or threaten to abuse the Petitioner or his/her children
 - * Not contact or attempt to contact the Petitioner or his/her children
 - * Not go to the Petitioner's residence or that s/he gives up temporary use and possession of the Residence
 - * Not go to the Petitioner's workplace or protected schools
 - * Gives up temporary custody of a child or pet
 - * Gives financial assistance to the Petitioner
 - * Surrenders all firearms to local Law Enforcement