

Domestic Violence (Part 6): Enforcing or Changing a Protective Order

Keep in mind the protective order process can be the most dangerous time for a victim of domestic violence. Be extra cautious and watchful. Find help at mdcourts.gov/dv.

If the court granted a protective order, and it's not working out for you, I'm here to explain how the court can help make that order work better for you.

Let's begin.

FULL-SCREEN ROAD MAP

Enforcement

Modification

In this video, we'll discuss what happens when someone violates a protective order. We'll also explain how to modify or change a protective order.

Let's start with two ways to ask the court to enforce a protective order.

CHAPTER HEADING: Enforcement

It's a crime to violate certain conditions of a protective order. Those conditions usually have to do with contacting, harassing, or abusing someone. If you call police, they may arrest a Respondent who violates an order. You may also file criminal charges at a commissioner's office. If the Respondent is charged with the crime of violating a protective order, you may be asked to testify at their trial. If found guilty, they may be jailed for up to 90 days and fined up to \$1,000.

When someone disobeys a court order it's called contempt. You may file for contempt if a Respondent violates ANY provision of the protective order. Submit to the clerk a Petition for Contempt (Violation of Protective Order) or form CC-DC-DV-007. At a hearing, expect to testify and present evidence. There is no specific penalty if the court finds someone in contempt, but a judge may order whatever is necessary to enforce a protective order. This may include jail time.

One last thing about enforcement. Violations of child custody provisions may be complicated. Consider speaking with a lawyer before taking steps to enforce custody terms. Visit mdcourt.gov/dv or mdcourts.gov/custody for legal resources. Or, speak to a lawyer at the Maryland Courts Self-Help Center by calling 410-260-1392.

What if you want to change your protective order?

CHAPTER HEADING: Modification

As long as a protective order is not expired, you may ask the court to modify it. That includes asking to rescind or extend it. You will have to complete a Petition to Modify/Rescind/Extend, or form CC-DC-DV-006. The clerk will notify the Respondent and schedule a hearing within 30 days. There are specific rules about notification and extending a protective order. Consider talking with a lawyer.

CHAPTER HEADING: Let's Review

FULL-SCREEN ROAD MAP

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Enforcement Modification

Violating some stay-away provisions of a protective order is a crime. Call police or file charges with the commissioner's office. You may also file a contempt petition. Finally, you may submit forms to modify, rescind, or extend a protective order.

Keeping people safe from domestic violence is important. If you are a victim, you are not alone. There's help at mdcourts.gov/dv.