

# 2010

## State Law Report Card



### Access to Protective Orders and Peace Orders<sup>1</sup>

In Maryland, certain categories of minors can obtain Protective Orders (POs);<sup>2</sup> the law does not specify whether minors can obtain Peace Orders (PCOs). The law does not specify whether POs can be granted against minor abusers, but it does allow Juvenile PCOs\* to be issued against minors.<sup>3</sup> Maryland allows people in dating relationships to seek PCOs against their abusers.<sup>4</sup>

#### Procedure

State law does not specify whether minors can petition for POs and PCOs on their own behalf. A family member, among others, may petition for a PO on the minor's behalf.<sup>5</sup> If a minor is able to file on their own behalf, Maryland law does not specify whether the parent or guardian of the minor will be notified about the PO or PCO.

#### Definition of Abuse

A judge may issue a PO or PCO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>6</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief for a PO; however, harassment and damage to property do qualify for relief under the PCO statute.<sup>7</sup> The statutes may recognize other forms of abuse not specifically listed here.

#### Relief Available

The court may order<sup>8</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program; and/or
- not possess a gun.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order and Peace Order are modifiable.<sup>9</sup>

<sup>1</sup>Maryland law provides for a Peace Order against adults, which is heard in the District Court, and a Juvenile Peace Order against minors, which is heard in the Juvenile Court.



For more information about state law and policy, visit [www.breakthecycle.org](http://www.breakthecycle.org) or email [policy@breakthecycle.org](mailto:policy@breakthecycle.org).

### Minors' Access to Sensitive Services<sup>10</sup>

All minors can consent to:

- Contraceptive services\*
- STI testing and treatment\*
- Prenatal care\*
- Adoption
- Abortion services\*
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

### School Response to Dating Violence<sup>11</sup>

Maryland law requires the State Board of Education to encourage county boards to incorporate information on dating violence into the health education curriculum.

### Recommendations for Immediate Policy Change

In order to improve Maryland's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs and PCO on their own behalf and explicitly describe the procedure for doing so.
- Allow POs and PCOs to be issued against minor respondents.
- Allow victims of intimate partner harassment to access POs.
- Allow minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> The Maryland Protective Order statute does not include non-cohabiting dating or sexual relationships. However, any person who is not eligible to petition for a protection order, including individuals in dating relationships, is eligible for a peace order, which offers similar relief.

<sup>2</sup> MD. CODE ANN., FAM. LAW § 4-501(m) (2009).

<sup>3</sup> MD. CODE ANN., CTS. & JUD. PROD. § 3-8A-03(a)(2) (2009).

<sup>4</sup> *Id.* § 3-1502(b)(1).

<sup>5</sup> MD. CODE ANN., FAM. LAW § 4-501(m).

<sup>6</sup> *Id.* § 4-501(b)(1); MD. CODE ANN., CTS. & JUD. PROD. § 3-1503(a).

<sup>7</sup> MD. CODE ANN., CTS. & JUD. PROD. § 3-1503(a).

<sup>8</sup> MD. CODE ANN., FAM. LAW § 4-505(a)(2)(viii); § 4-506(d); MD. CODE ANN., CTS. & JUD. PROD. § 3-1505(d).

<sup>9</sup> MD. CODE ANN., FAM. LAW § 4-507(a); MD. CODE ANN., CTS. & JUD. PROD. § 3-1506(a).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

Additional information was provided by the Maryland Network Against Domestic Violence.

<sup>11</sup> MD. CODE ANN., ED. LAW § 7-411.1.

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Empowering Youth to End  
Domestic Violence

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