

Purpose

Established procedures for the service of Interim, Temporary or Final Protective and Peace Orders issued pursuant to the Courts and Judicial Proceedings of the Annotated Code of Maryland.

Policy

The Cecil County Sheriff's Office is responsible for the prompt and effective recording, service and maintenance of Interim, Temporary or Final protective and Peace Orders.

Definitions

Commissioner: "Commissioner" means a District Court Commissioner appointed in accordance with Article IV, Section 41G of the Maryland Constitution.

Court: "Court" means the District or Circuit Court of Maryland.

Order for Protection: "Order for Protection" means any Interim, Temporary or Final Protective and Peace Orders issued by a District Court Commissioner pending a hearing by a Judge and/or an order issued by a Judge in accordance with Section 4-500 "Domestic Violence" of the Maryland Family Law Article.

Person Eligible for Relief: Any person eligible for a Peace or Protective Order, as defined in Section 4-500 of the Family Law Article.

Petitioner: A person who files a petition because they are experiencing problems with another person, including someone in a dating relationship, neighbor or acquaintance.

Residence: "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

Respondent: The person alleged in the petition to have committed one or more of the underlying acts.

Underlying Acts: A petitioner may seek relief by filing with the court a petition that alleges the commission of one or more of the following acts against the petitioner by the respondent, if the act occurred within thirty (30) days before the filing of the petition:

- An act that causes serious bodily harm;
- An act that places the petitioner in fear of imminent serious bodily harm;
- Assault in any degree;
- Rape or sexual offense; or attempted rape or sexual offense in any degree;
- False imprisonment;

- Harassment;
- Stalking;
- Trespass;
- Malicious destruction of property.

Interim Order for Protection Family Law Article 4-504.1

A District Court Commissioner may issue an Interim Order if the Office of the Clerk of the District Court is closed for business and the commissioner finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future one or more of the underlying acts, as listed above.

An Interim Peace Order may:

- 1) Order the respondent to refrain from further committing or threatening to commit an act against the protected person.
- 2) Order the respondent to refrain from contacting, attempting to contact, or harassing the protected person.
- 3) Order the respondent to refrain from entering the residence of the protected person.
- 4) Order the respondent to remain away from the place of employment, school, or temporary residence of the protected person.

An Interim Protective Order may:

- 1) Order the respondent to refrain from further committing or threatening to commit an act against the protected person.
- 2) Order the respondent to refrain from contacting, attempting to contact, or harassing the protected person.
- 3) Order the respondent to refrain from entering the residence of the protected person.
- 4) Order the respondent to remain away from the place of employment, school, or temporary residence of the protected person.
- 5) Where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to:
- 6) Vacate the home immediately and award temporary use and possession of the home to the person eligible for relief; or
- 7) In the case of alleged abuse of a child or of a vulnerable adult, award temporary use and possession of the home to an adult living in the home.
- 8) Order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members.
- 9) Order the respondent to remain away from a childcare provider of a person eligible for relief while a child of the person is in the care of the childcare provider.

- 10) Award temporary custody of a minor child of the person eligible for relief and the respondent.

Office Procedures for Interim Orders

- 1) If an Interim Order is granted by a District Court Commissioner, the Commissioner will notify the Sheriff's Office by phone. The Duty officer will promptly send a deputy to the District County Commissioner's Office to retrieve the Order for service.
- 2) During the hours of 8:30 AM through 10:30 PM, Monday through Friday, POAM (Protective Order Administrative Message) Messages shall be retrieved from METERS/NCIC, and a hard copy printed and given to support Staff for proper entry. During the hours of 1100 PM through 830 AM, Monday through Friday, weekends and designated County Holiday's when a POAM appears, it will be the responsibility of dispatch personnel to retrieve and properly enter the Interim Protection Order into METERS/NCIC.
- 3) Proper entry of the Interim Order shall require the performance of the full criminal history query on the subject. Any and all information obtained via the criminal history and not originally contained in the court document itself, shall be added to the Interim Order entry. The dispatch/support staff employee will review the entry for accuracy and if errors are detected, or have been made, he/she will take the necessary steps to immediately correct the inaccurate or missing information, and will attach a copy of the revised entry to the Interim Order. Care will be taken to follow all criminal history guidelines during the process.
- 4) A hard copy of the Interim Order will need to be retrieved from the courts by the Deputy, and the Deputy shall immediately attempt service of the order. If service is completed, the Deputy shall immediately return the Interim Order, and Return of Service to the Duty Officer. If service has not been made, the original Interim Order shall then be time stamped, and entered into the Protection Order/Warrant log on the Duty Officer's Computer by the Duty Officer.
- 5) It is the responsibility of the Duty Officer to pass the Interim Order to each successive shift, until the Order is served. If an Order is not served by the expiration date, it shall be Non-Est, and a detailed reason why the order was Non-Est is required, and must be written on the attempt sheet. The Order will then be placed in the Warrant/Protection Order bin to be logged out of the RMS database, and returned to the appropriate court.

Service Procedures of Interim Orders

- 1) The Sheriff's Office shall within two (2) hours after service of an Interim Protection Order on a Respondent, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service.

- 2) Deputies who are assigned to serve orders will ensure that service is attempted as soon as possible. Deputies will record their name, ID#, the service and all attempts on the work sheet and in the agency CAD system.
- 3) No authority exists for forcible entry to serve an order.
- 4) A deputy must read, explain and serve a copy of the order and petition to the respondent.
- 5) If the order directs that the respondent vacate the home, the deputies must allow the respondent a reasonable amount of time to gather only such personal belongings that are necessary. If the order is served at a location other than the home, deputies must inform the respondent that it is a violation of the law to return to the home during the life of the order without permission from the issuing court.
- 6) Immediately after service, Deputies will return the worksheet, a copy of the order and the completed return to the Sheriff's Office for processing.
- 7) DPSCS shall notify the petitioner of the service on the Respondent of an Interim or Temporary Protection Order within one (1) hour after the Sheriff's Office notifies DPSCS.
- 8) DPSCS shall notify the petitioner of the service on the Respondent of a Final Protective Order within one (1) hour after knowledge of the service of the Protective Order on the Respondent.
- 9) When a Protective Order is served, the dispatch/support staff employee will immediately modify the date by entering the date in which the order was served, and the agencies main ORI. If the Protection Order requires a rollover, both the date issued, and the expiration date must be modified. A copy of the revised entry will be printed and attached to the order. If the status of the order changes from Interim to Temporary and or a Final Protection Order, you must modify the miscellaneous field. Any additional information that appears on the order must be modified in the entry. A copy of the revised entry will be attached to the protection order.
- 10) When an Out of County/State Protective Order is served, the dispatch/support staff will access the Vine Direct Notification (DVN) window within METERS, and complete all required fields.
 - i. Completion of the DVN screen in METERS will ensure; that the petitioner is alerted via the VINE Link Notification System, that the respondent has been served by the agency.

- ii. Completion of the DVN screen does not replace the current policy which requires the agency, to fax the “return of service” copy to the issuing Out of County/State agency.

11) After the completion of the Protection Order entry, a METERS/NCIC Civil Order Check-off Sheet will be completed and attached to the protection order.

Temporary Orders for Protection Family Law Article 4-505

The Court may issue an order if, after a hearing on a petition, a Judge finds that there are reasonable grounds to believe that the respondent has committed or is likely to commit in the future one or more of the underlying acts as enumerated in section (I,I).

A Temporary Peace Order may include any or all of the following relief:

- 1) Order the respondent to refrain from further committing or threatening to commit an act against the protected person.
- 2) Order the respondent to refrain from contacting, attempting to contact, or harassing the protected person.
- 3) Order the respondent to refrain from entering the residence of the protected person.
- 4) Order the respondent to remain away from the place of employment, school, or temporary residence of the protected person.

A Temporary Protective Order may include any or all of the following relief:

Order the respondent to surrender all firearms, both regulated and unregulated, in the respondent’s possession, immediately to law enforcement authorities, and refrain from possession of any firearm for the duration of the order. This relief is an option that may be granted by a Judge on a Temporary Protective Order. It does not apply to Interim Protective Orders.

- 1) Order the respondent to refrain from further committing or threatening to commit an act against the protected person.
- 2) Order the respondent to refrain from contacting, attempting to contact, or harassing the protected person.
- 3) Order the respondent to refrain from entering the residence of the protected person.
- 4) Order the respondent to remain away from the place of employment, school, or temporary residence of the protected person.
- 5) Where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to:
- 6) Vacate the home immediately and award temporary use and possession of the home to the person eligible for relief; or

- 7) In the case of alleged abuse of a child or of a vulnerable adult, award temporary use and possession of the home to an adult living in the home.
- 8) Order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members.
- 9) Order the respondent to remain away from a childcare provider of a person eligible for relief while a child of the person is in the care of the childcare provider.

A Temporary Order for Protection may remain in effect for not more than seven (7) days after issuance of the order. However, the court may extend the order as needed, but not to exceed six (6) months, to effectuate service of the order where necessary to provide protection or for other good cause.

Final Orders for Protection Family Law Article 4-506

A. Final Peace Order

As a result of the hearing on the Interim or Temporary Peace Order, the Court may issue a Final Peace Order. The relief granted in a Final Peace Order may include all the provisions provided for in an Interim or Temporary Order and the following additional relief:

- 1) Order the respondent to refrain from further committing or threatening to commit an act against the protected person.
- 2) Order the respondent to refrain from contacting, attempting to contact, or harassing the protected person.
- 3) Order the respondent to refrain from entering the residence of the protected person.
- 4) Order the respondent to remain away from the place of employment, school, or temporary residence of the protected person.
- 5) Direct the respondent or petitioner to participate in professionally supervised counseling or, if the parties are amenable, mediation.
- 6) Order either party to pay filing fees and costs of the proceeding.
- 7) The relief granted in a Final Peace Order shall be effective for the period stated in the order, not to exceed six (6) months.

B. Final Protective Order

The relief granted in a Final Protective Order shall be effective for the period stated in the order, not to exceed twelve (12) months; and may include the following additional relief:

- 1) Establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis, which gives primary consideration to the welfare of the child and the safety of any other person eligible for relief.
- 2) Award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty to support under this article.

- 3) Award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief, to the person eligible for relief if needed for employment or for care of a minor child.
- 4) Direct the respondent and the persons eligible for relief to participate in supervised counseling or a domestic violence program.
- 5) Order the respondent to surrender to law enforcement authorities any firearm in the relief to whom the respondent has a duty to support under this article.
- 6) All Final Protective Orders will order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order.
 - a) A Final Protective Order may be extended up to six (6) months, for a total of eighteen (18) months.
 - b) A Final Protective Order may be issued for a two (2) year period if:
 - c) A second domestic related offence occurs between the same petitioner and respondent within 1 year of the expiration of a Final Protective Order that had been in effect for at least six (6) months.

Office Procedures for Temporary & Final Orders

- 1) If a Temporary & Final Order is granted by a District Court or Circuit Court Judge, the Clerk from the court will notify the Sheriff's Office by phone. The Duty officer will promptly send a deputy to the correct court to retrieve the order for service.
- 2) During the hours of 8:30 AM through 10:30 PM, Monday through Friday, POAM (Protective Order Administrative Message) Messages shall be retrieved from METERS/NCIC, and a hard copy printed and given to support Staff for proper entry. During the hours of 1100 PM through 830 AM, Monday through Friday, weekends and designated County Holiday's when a POAM appears, it will be the responsibility of dispatch personnel to retrieve and properly enter the protection order into METERS/NCIC.
- 3) Proper entry of the protection order shall require the performance of the full criminal history query on the subject. Any and all information obtained via the criminal history and not originally contained in the court document itself, shall be added to the Protection Order entry. The dispatch/support staff employee will review the entry for accuracy and if errors are detected, or have been made, he/she will take the necessary steps to immediately correct the inaccurate or missing information, and will attach a copy of the revised entry to the protection order. Care will be taken to follow all criminal history guidelines during the process.
- 4) A hard copy of the order will need to be retrieved from the courts by the Deputy, and the Deputy shall immediately attempt service on the said order. If service is completed, the

Deputy shall immediately return the Protection Order, and Return of Service to the Duty Officer. If service has not been made, the original Protective Order shall then be time stamped, and entered into the Protection Order/Warrant log on the Duty Officer's Computer by the Duty Officer.

- 5) It is the responsibility of the Duty Officer to pass the Order to each successive shift, until the paper is served. If an Order is not served by the expiration date, it shall be Non-Est, and a detailed reason why the order was Non-Est is required, and must be written on the attempt sheet. The order will then be placed in the Warrant/Protection Order bin to be logged out of the RMS database, and returned to the appropriate court.

Service Procedures of Temporary & Final Orders

- 1) The Sheriff's Office shall within two (2) hours after service of a Protection Order on a Respondent, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service.
- 2) Deputies who are assigned to serve orders will ensure that service is attempted as soon as possible. Deputies will record their name, ID#, the service and all attempts on the work sheet and in the agency CAD system.
- 3) No authority exists for forcible entry to serve an order.
- 4) A deputy must read, explain and serve a copy of the order and petition to the respondent.
- 5) If the order directs that the respondent vacate the home, the deputies must allow the respondent a reasonable amount of time to gather only such personal belongings that are necessary. If the order is served at a location other than the home, deputies must inform the respondent that it is a violation of the law to return to the home during the life of the order without permission from the issuing court.
- 6) Deputies seizing firearms in accordance with service of an Order shall at the time of seizure:
 - a) Issue a receipt to the Respondent identifying the make, model, and serial number of all firearms seized utilizing CCSO Form #SO-044 Receipt of Seized Firearms/Ammunition;
 - b) Provide a copy of the receipt (#SO-044) to the Respondent;
 - c) Retain a copy of the receipt (#SO-044) for the Sheriff's Office records;
 - d) Provide information to the Respondent on the process for retaking possession of the firearm(s) on the expiration or termination of the Order; and

- e) Transport all seized firearms (in a protective case if available) for submission into Sheriff's Office property and evidence. Storage of the firearms shall be in a manner intended to prevent damage to the firearms while the Order is in effect and deputies or other personnel shall not place any mark on the firearms for identification or other purposes.
- 7) Immediately after service, Deputies will return the worksheet, a copy of the order and the completed return to the Sheriff's Office for processing.
- 8) DPSCS shall notify the petitioner of the service on the Respondent of an Interim or Temporary Protection Order within one (1) hour after the Sheriff's Office notifies DPSCS.
- 9) DPSCS shall notify the petitioner of the service on the Respondent of a Final Protective Order within one (1) hour after knowledge of the service of the Protective Order on the Respondent.
- 10) When a protective order is served, the dispatch/support staff employee will immediately modify the date by entering the date in which the order was served, and the agencies main ORI. If the Protection Order requires a rollover, both the date issued, and the expiration date must be modified. A copy of the revised entry will be printed and attached to the order. If the status of the order changes from Interim to Temporary and or a Final Protection Order, you must modify the miscellaneous field. Any additional information that appears on the order must be modified in the entry. A copy of the revised entry will be attached to the protection order. Final Orders will be kept on file for the duration of the Order.
- 11) When an Out of County/State Protective Order is served, the dispatch/support staff will access the Vine Direct Notification (DVN) window within METERS, and complete all required fields.
 - iii. Completion of the DVN screen in METERS will ensure; that the petitioner is alerted via the VINE Link Notification System, that the respondent has been served by the agency.
 - iv. Completion of the DVN screen does not replace the current policy which requires the agency, to fax the "return of service" copy to the issuing Out of County/State agency.
- 12) After the completion of the Protection Order entry, a METERS/NCIC Civil Order Check-off Sheet will be completed and attached to the protection order.
- 13) If the respondent is not present at the Final Order for Protection hearing the respondent will be served by USPS First Class Mail to the respondent's last known address by the Courts.

Fees

Unless ordered by the Judge, there is a non-refundable filing fee and an additional fee for service by the Sheriff's Office for Temporary Peace Orders. There are no filing fees or service fees for:

- 1) Interim Protective Orders
- 2) Temporary Protective Orders
- 3) Final Protective Orders

Serving a "Vacate" Order

A. When serving a "vacate" order, the deputy will ensure that the respondent vacates and takes only those personal belongings he/she may need to live and work during the 7-day period before the hearing. If the respondent refuses to vacate after being served, the deputy will arrest the respondent for "violation of interim/temporary/final protective order."

B. If conflicting vacate orders have been issued by different courts, the deputy will first attempt to reconcile the conflicting orders before service.

- a) If unable to reconcile the conflicting orders, the deputy will serve both orders, and enforce them as necessary.
- b) After service, the deputy will refer both parties to the issuing courts for resolution.
- c) The deputy will notify both courts of the conflict.

Sanctions for Violating an Order

A. A violation of ANY Order for Protection, including Interim, Temporary or Final Protective or Peace Order may result in a finding of contempt or criminal prosecution.

B. If a respondent fails to comply with the following relief granted in an Order for Protection, he/she must be placed under arrest and charged with violating Courts and Judicial Proceedings Article Sections 3-1503, 3-1504 or 3-1505 of the Annotated Code of Maryland:

- a) Refrain from committing or threatening to commit an act specified in sections 3-1503, 3-1504 or 3-1505.
- b) Refrain from contacting, attempting to contact, or harassing the protected person.
- c) Refrain from entering the residence of the protected person.
- d) Respondent fails to remain away from the place of employment, school, or temporary residence of the protected person.