

BATTERED

What Can I Do?

A SURVIVAL MANUAL

Seventh Edition, 2006



INSIDE COVER

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“THE LAW” -- Relevant Maryland Statutes

Child Custody and Visitation.....	Family Law Article Title 9
Child Support.....	Family Law Article Title 12
Criminal Law.....	Article 27
Divorce.....	Family Law Article Title 7
Domestic Violence.....	Family Law Article Title 4, §5
Forcible Entry & Detainer.....	Real Property Article
Peace Order Proceeding.....	Courts & Judicial Proceedings Article, §3

This booklet is intended only to provide you with general information about the laws affecting victims of domestic violence and resources available to assist you. Readers should not rely on the information in this booklet as current, since laws may change from time to time. This booklet is not intended to provide you with legal advice and should not be relied upon as legal advice. Individuals with specific legal questions or a pending legal action are strongly encouraged to contact an attorney for legal advice.

PART I - OVERVIEW OF DOMESTIC VIOLENCE

This booklet is designed to help those who want to be free from domestic violence. It describes the legal protection that is available in Maryland for victims of abuse and explains the process for getting that protection.

Domestic violence is a crime and Maryland law provides both criminal and civil means for victims of abuse to get protection. Many victims feel that their spouse or partner has the right to abuse them or that they must live with violence. The first step to confronting an abusive relationship is to recognize that such violence is unacceptable.

In addition to an overview of your legal protections, including the legal petitions that abused or battered people may file to gain court-ordered protection, this booklet provides in its Appendix a list of domestic violence programs throughout the State of Maryland. Where a particular law is referred to, it will come from the Family Law Article of the Annotated Code of Maryland unless otherwise specified. Most public libraries include the Annotated Code of Maryland in their collections and a list of law libraries that have the Annotated Code of Maryland and are accessible to the public is in the back of this booklet. Other information and a listing of law libraries can be found online at the “People’s Law Library,” www.peoples-law.org.

Remember that battering and abusive behavior can occur at any time during your relationship. It may continue throughout the entire period that you are with your abuser. It may become more frequent or more severe as time passes. Therefore, it is very important that you, the domestic violence victim, take action to protect yourself and any children you may have. **Some studies demonstrate, however, that abuse continues and may even get worse when victims take steps to protect themselves from abusers. It is very important to plan for your safety.** You may also need emotional or financial support or shelter. A list of agencies and organizations that may be able to help you is found at the end of this manual; you may want to contact them. You might also consider seeking legal help and representation to obtain protection from further domestic violence. There are several ways of obtaining protection through the legal system.

What is Abuse?

Domestic violence consists of a wide range of behaviors, some of which are criminal, and all of which are unacceptable. Some behaviors may not be criminal, although they are part of an abuser’s controlling behavior.

Abusive actions that are not necessarily physically violent may include:

- degrading comments/insults/names;

- controlling your access to friends and family;
- controlling your time and activities;
- controlling your finances;
- threatening suicide if the relationship is ended;
- blaming the victim that he/she provoked/caused/deserved the abuse;
- breaking important/meaningful possessions;
- threatening to injure children or pets;
- withholding medication.

These abusive behaviors can accompany physical violence or lead to it. Abusive actions that are physically violent include acts that are defined as “Abuse” under Section 4-501. Those acts include:

- any act that causes serious bodily harm;
- any act that places a person in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense;
- false imprisonment;
- stalking; or
- abuse of a vulnerable adult or child.

“Abuse” includes pushing, hitting, punching, choking, strangling and other forms of assault, a legal term for an unwelcome physical contact that entails some injury or offensive touching. It also covers assault, which includes verbal threats of physical abuse, made with the apparent ability to carry out the threats.

“Sexual offenses” include any unwanted sexual act (touching, kissing, fondling) by force or threat of force and without consent.

“Stalking” includes a pattern of approaching or pursuing someone in order to make that person feel afraid of being injured or murdered.

What kinds of relationships are covered by the law?

Under Section 4-501(h), only certain people can obtain an order of protection from an abusive person. You may obtain an interim protective order, a temporary protective order, or a final protective order if you are:

- the current or former spouse of the person abusing you;
- a person who has had a sexual relationship with the abuser and lived with the abuser for at least 90 days within the past year;
- a person who is related to the abuser by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the abuser, and have lived with the abuser for at least 90 days within the past year;
- a physically or mentally disabled adult; or

- a person who has a child in common with the abuser, regardless of whether you have ever been married to the abuser.

Under the Peace Order statute, found at Section 3-1501 of the Courts and Judicial Proceedings Article of the Maryland Code, however, other people may ask the court for relief from abuse. The people eligible to get a Peace Order include people who have dated but have never lived together and have no children together.

PART 2 - SAFETY AND PROTECTION

What to do immediately after an incident of abuse

Call the Police

As soon as you can safely get to a telephone, call your local police department or 911, the emergency telephone number, to report the incident. Give the officer who is taking the report as much information about the assault as possible. For example, if your abuser struck you in the eye and then threatened to kill you, you should say that. Ask the police officer to write a report of the incident. The officer should give you a police report number, which is helpful for filing criminal charges. If you are not offered a police report number, ask for it. Unless the police arrest the abuser, it is your choice whether to file criminal charges. You have one year and one day from the date of the incident to file criminal charges before they become stale. Directions for filing criminal charges are listed below.

The police can arrest the abuser without a warrant if the officer has probable cause to believe that a “felony” has occurred. A felony is a serious crime such as assault with intent to murder, attempted murder, or rape. For example, if your abuser stabbed you with a knife, that may be enough for the officer to arrest the abuser without a warrant because those actions would be considered “assault with intent to murder.”

A misdemeanor is a less serious crime that is usually punishable with a fine or a short prison term. A police officer may make an arrest for a misdemeanor offense if the crime occurs in the officer’s presence. In addition, an officer may make an arrest without a warrant if the parties are people who are living together and if the victim reports the incident within 48 hours. In addition, the officer must have probable cause to believe that:

- the abuser battered the victim
- there is evidence of physical injury
- unless the abuser is immediately apprehended, the abuser may not be apprehended, or may cause injury to the victim or his/her property or anyone else’s property, or the abuser may tamper with, dispose of or destroy evidence.

See Criminal Law Article 27, Section 594B.

Under Section 4-511, a police officer responding to an act of domestic violence can remove a firearm from the scene if the officer has probable cause to believe that an act of domestic violence occurred and the officer has observed the firearm on the scene.

You have a right to obtain, without a subpoena, a copy of any incident report filed by a police officer for you. The officer is required to provide you with a written notice of your rights and options. This includes the telephone numbers of local domestic violence programs. If you do not receive this information, ask for it.

Seek medical care

If you have been abused, you should seek medical attention at a hospital emergency room or from a personal physician. Obtain a copy of the medical report. If possible, you should have someone take pictures of any visible marks, bruises, or injuries that the abuser made, and pictures of any physical damage to the home resulting from the violence.

Leave home

It may be unsafe to stay in your home. If so, seek shelter with a friend, relative, or at a domestic violence program in your area. A list of shelters for victims of domestic violence appears at the end of this booklet. The police are required to accompany you to the family home so that you can remove personal clothing and items as well as items for any child in your care.

If you must leave your home, take any children with you since the abuser may use the children to coerce you to return. If there is a custody order in effect that gives custody to your abuser, you should consult an attorney.

In case you need to leave the home quickly, consider keeping important papers such as social security cards, birth certificates, legal papers, food stamps, medical records, deeds, lease agreements and telephone numbers all together in a safe place that you can get to easily. There are agencies in the end of this booklet that can work with you to develop a "safety plan" that you can use in an emergency.

In addition to protecting your safety and your children's safety, you should try to obtain evidence that can be used against your abuser. For example, save any items that your abuser broke or weapons that your abuser used against you. Such items may prove useful to the prosecution in a criminal trial or at a hearing to obtain civil protection. Take pictures of your injuries. You should also try to gather the names and addresses of any witnesses to the abuser's illegal behavior. You should provide this information to the State's Attorney's Office if that office is pursuing criminal charges against your abuser so it can issue

subpoenas against the witnesses. This information will also be helpful in pursuing a Protection Order and possibly in supporting your divorce case or custody case.

Steps for Filing Criminal Charges

If you have been physically abused or threatened, you may file criminal charges against the abuser. Charges for assault, telephone misuse, destruction of property, trespass, and harassment are typical misdemeanor charges. If a weapon is used, an abuser may be charged with a felony such as assault with intent to murder. If the abuser tried to force you to have sex, you may file charges for sexual assault. There are different levels of sexual assault, which can be found in Article 27 of the Maryland Code.

Obtain a Police Report

If a report was not made at the scene of the assault, you can go to the police station in the district where the crime occurred and ask the police to write an "incident report." Try to explain the violence clearly, using as many details as possible. Include, for example, where the abuser hit you, how many times you were hit, whether you were hit with an open or closed hand or a weapon. Make sure you ask for a copy of this incident report.

Go to the Court Commissioner's Office

Find out from the police where the Court Commissioner's office is (usually at the police station or the courthouse). Then take the police report with you and fill out a statement of charges, giving the Commissioner detailed facts of the incident and any other evidence of the crime. On the form, write a list of the events that occurred in the order that they occurred. The Commissioner may then issue either a **summons**, which orders the abuser to appear in a court on a certain date, or a **warrant** for the abuser's arrest if there is a finding of probable cause. Once the Commissioner has issued charges, you will be notified when to appear in court. This information will be listed on the copy of the statement of charges provided to you. The Commissioner may also decline to issue charges. If this occurs, you should ask the Commissioner to explain why he or she refused to issue charges.

To locate your Court Commissioner, go to the Courts' website at www.courts.state.md.us, click on Courts, click on District Courts, click on Commissioners.

Filing criminal charges against your abuser does not guarantee your safety. Be aware that your abuser might react violently to your decision to file criminal charges. If the Commissioner issues a summons against your abuser, you may not be safe because your abuser remains free until a court hearing. If the commissioner issues a warrant for your abuser's arrest, the abuser may try

to contact you before being arrested. Even after your abuser is arrested, the abuser may not remain in custody. Contact the agencies at the back of this booklet for more information on how to protect yourself.

When proceeding with a criminal action, you do not need an attorney because the State's Attorney will prosecute the case against your abuser. However, it may be in your best interest to cooperate with the State's Attorney and provide him or her with information about all evidence in your possession because you know more about what happened than the attorney does. This kind of help will increase the likelihood of a successful prosecution. Remember - you have the right to be free from abuse and following through with criminal charges is often one of the most effective deterrents against future violence.

One roadblock that may come up in your attempt to prosecute your abuser criminally is that the abuser may file criminal charges against you. This is not uncommon. The abuser may think he or she can intimidate you into dropping your charges. If your abuser files criminal charges against you, contact a private criminal defense attorney or, if you have a low-income, contact the Office of the Public Defender.

As a victim-witness in a criminal case, the court should provide you with a **victim's services coordinator**, who will help you through the criminal justice process. You can find information about victim witness services through the Office of the State's Attorney in your county.

Marital Rape

If a husband rapes his spouse, he may only be prosecuted under certain circumstances. If the parties are living together, a husband may be prosecuted for rape of his spouse only if he uses force against her will and without her consent. If the parties are not living together, he may be prosecuted 1) if he and his spouse have lived "separate and apart" without having sexual relations and there is a written separation agreement, or 2) if he and his spouse have lived separate and apart without sexual relations without a separation agreement for at least three months immediately before the sexual offense. See Article 27, Section 464D of the Maryland Criminal Code for more information on the marital rape provision.

Filing Civil Actions

Order for Protection Against Domestic Violence

In addition to filing criminal charges, you may file for an Order of Protection against Domestic Violence. You may be entitled to such an order if you have a relationship with the abuser that is covered by the law.

You are eligible for the protection order if you are:

- the current or former spouse of the abuser;
- a person who has or had a sexual relationship with the abuser and lived with the abuser for at least 90 days within the past year;
- related to the abuser by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the abuser who has lived with the abuser for at least 90 days within the past year;
- a physically or mentally disabled adult; or
- a person who has a child in common with the abuser.
- a person filing on behalf of a vulnerable adult or minor child.

See Section 4-501(h).

How to Obtain an Order of Protection

There can be two or three steps to this process, all of which require hearings before a judge, master, or commissioner: the *Interim Protective Order (IPO)*, *Temporary Protective Order (TPO)*, and *Final Protective Order (FPO)*.

Temporary Protective Order Hearing and Order

The TPO can be issued *ex parte* ("without the party"), which, in this circumstance, means without the abuser being present.

To get a TPO, you must go to the clerk's office at the Civil District Court or the Circuit Court during courthouse hours and fill out a Petition for Protection from Domestic Violence detailing the abuse and why you need protection. On this form, try to explain precisely what happened during the violent incident and include past incidents of domestic violence. There are check-boxes for you to indicate what you want the court to order (this is called "relief"). In a TPO the court may:

- order the abuser to stop further abuse or threats of abuse;
- order the abuser to stop contacting, attempting to contact, or harassing you;
- order the abuser not to enter your residence;
- order the abuser to leave the home immediately if you and your abuser live together and award temporary use and possession of the home to you. Your name must appear on the lease or deed to the home, or you must have lived there with the abuser for at least 90 days within the last year to be eligible for this relief;
- order the abuser to stay away from your place of employment, school, or temporary residence, child care provider, or the home of other family members
- award temporary custody of a minor child to you or the abuser.

See Section 4-505(a)(2).

TPO Hearing

The clerk will give the petition to the judge and a hearing will be held on the same day you filed the petition. Generally, the abuser is not present at this hearing. You will be given the opportunity to tell the judge about the abuse you suffered. Try to provide the judge with all the information you can about your case. If the judge finds that there are reasonable grounds to believe that you have been abused, you will receive the TPO. At the same time the judge issues the TPO, he or she will schedule a date for the Final Protective Order Hearing. The date and time will be noted on the copy of the TPO. It is important to remember that you must be present to give testimony when your case is called for the Temporary Protection Order; if you do not appear before the Court, your TPO will most likely be dismissed. This Order will give you only temporary protection until the Court has the opportunity to hear both sides of the case and consider whatever evidence the parties may bring to the final hearing. The TPO lasts only until the Final Protective Order hearing, which usually takes place about seven days later; you must return for the Final Protective Order Hearing in order for the relief to continue.

The clerk will provide a copy of the TPO to the law enforcement agency that delivers it to the abuser (this is called “service”). In most jurisdictions, this will be the local police department or the sheriff’s office. You should provide the court with all addresses at which the abuser is likely to be found. The TPO takes effect when the abuser receives it. During the time the TPO is in effect, generally for seven days or less, the abuser must stay away from you and should not contact you at all before the Final Protective Order hearing. If the abuser does make contact, call the police immediately. If the abuser violates any conditions of the TPO (not including those conditions pertaining to custody), the abuser may be charged with a misdemeanor and, if found guilty, may be subject to a fine and/or jail sentence. The TPO may be extended up to thirty days by the judge if the abuser is not served with the order. Even if you, the Petitioner, know that the TPO has not been served on the abuser, you must still show up in court for the hearing and ask the judge to extend the order.

Final Protective Order Hearing

Approximately seven days after the Temporary Protective Order is issued, a final hearing is held before a judge. In order to get the Final Protective Order, you – the Petitioner – must attend this hearing. Your abuser will receive notice of the hearing and is likely to attend. The abuser may choose to accept the terms of the FPO that you offer without having a trial; in that case, the court will not hear testimony from the parties, but will sign an Order that reflects your agreement. In many cases, however, a hearing is required because the abuser will want to argue that there are no grounds for the Protective Order. If a hearing is required, you and the abuser each have an opportunity to tell your story to the judge. If the abuser does not appear at the hearing after being served with notice of its time and date, the judge may find the abuser has defaulted and you may be

granted the FPO. If the abuser does not appear, you should ask the judge to enter a default judgment in your favor.

When you and the abuser appear for the hearing, the judge will take sworn testimony from both of you and make a decision whether or not to grant the FPO. This decision will be based on any evidence presented during the hearing, the judge's assessment of the credibility of the people testifying, and other factors. Be sure to take any witnesses who saw the abuse, pictures of injuries, medical reports, and any other supporting evidence, such as copies of police reports, that will help your case.

If the judge finds by clear and convincing evidence that abuse has occurred, the judge may issue the Final Protective Order. The FPO may order:

- the abuser to stop further abuse or threats of abuse;
- the abuser to stop contacting, attempting to contact, or harassing you;
- the abuser not to enter your residence;
- the abuser to leave the home immediately and award temporary use and possession of the home to you if you and the abuser are living together at the time of the abuse. Your name must appear on the lease or deed to the home, or you must have lived there with the abuser for at least 90 days within the last year to be eligible for this relief;
- the abuser to stay away from your place of employment, school, or temporary residence, child care provider, or the home of other family;
- award temporary custody of a minor child to you or the abuser;
- award temporary visitation with a minor children, unless your safety or your child's safety is at risk. You must make the judge aware of any safety issues;
- the abuser to pay Emergency Family Maintenance to help any minor children you have in common with the abuser; this may include an Earnings Withholding Order;
- award sole use of any jointly titled car to you to get to work or to care for children you have in common with the abuser;
- the abuser or you to participate in counseling programs;
- the abuser to surrender any firearm in his/her possession;

See Section 4-506(d),

The judge can authorize that the FPO last for up to twelve months. At the end of that time, the FPO may be extended for another six months for good cause. Another hearing must be held if you want the FPO extended. See Section 4-507(a)(2).

If your abuser violates the safety provisions of the Protective Order, contact the police immediately and consider filing criminal charges. Some ways the abuser can violate the Protective Order include abusing, contacting, or harassing you, or

by entering your home. Your local police department should arrest the abuser without a warrant if they have probable cause to believe the abuser has violated the Protective Order. See Section 4-509(b).

If your abuser violates the provisions of the Protective Order regarding Emergency Family Maintenance or counseling, you may choose to file a Civil Petition for Contempt at the court where you received your Protective Order. You should not, however, file criminal charges and a Civil Petition for Contempt for the same incident. Therefore, when the violation of the protective order involves harassment or abuse, it is advisable to file criminal charges. If a judge finds that your abuser violated the Protective Order, the judge may order that your abuser pay a fine and/or serve time in jail.

To make any changes to your Protective Order, you will need to file a Motion to Modify. You can ask the court to change the terms of the Protective Order in a number of ways, including extending the length of time the Order is in effect for up to six (6) months. The Motion will have to be served to the Respondent and the court will hold a hearing to determine whether there is good cause to modify the Order.

When the Courts are Closed: Interim Protective Orders

When the courts are closed, you may still obtain temporary protection by filing a Petition for Protection with the District Court Commissioner. You will appear before a Commissioner, not a judge, to review your Petition for Protection. The Commissioner may issue an Interim Protective Order that will last until the courthouse reopens and a District Court Judge can hold a Temporary Protective Order hearing; the Temporary Protection Order hearing must be scheduled within two days of when the court reopens. An IPO goes into effect once a law enforcement officer serves the abuser. The IPO will instruct you when and where to appear for a Temporary Protective Order hearing. If you do not appear at that time, your Interim Protective Order may be dismissed. If both you and the abuser appear at the TPO hearing, and agree to do so, you may waive the TPO hearing and proceed with the Final Protective Order hearing. If you decide not to waive the Temporary hearing, the judge may then issue a TPO and set a date and time for the Final Protective Order hearing.

To locate your Court Commissioner, go to the Courts' website at www.courts.state.md.us, click on Courts, click on District Courts, click on Commissioners.

Peace Order Proceeding

Some victims of domestic violence do not have the family relationships needed to be eligible for a Protection Order. For those victims, for example, dating partners, neighbors, or former friends of an abuser, the Peace Order, which is part of the Courts and Judicial Proceedings Article of the Maryland Code, Section 3, Subtitle 15, provides emergency protection from abuse.

In order to obtain a Peace Order, the petitioner must allege and prove that the person who has abused him or her has committed one of nine specified acts within thirty days before the filing of the Peace Order petition. In addition, the petitioner must prove that the specified act is likely to occur again. Those acts include an act that causes serious bodily harm, or that places the petitioner in fear of imminent serious bodily harm, assault, rape or sexual offense, false imprisonment, harassment, stalking, trespass, and malicious destruction of property.

The process for obtaining a Peace Order is similar to that of obtaining a Protective Order and can include an Interim, Temporary, and Final Peace Order stage. A person seeking a Peace Order must apply to the District Court (or Court Commissioner if the courts are closed) and must file a petition under oath. A Peace Order may be granted for up to six months. The only types of protection that can be obtained through the Peace Order are orders from the court to the abuser to stop committing the abusive act and to stay away from the petitioner, his or her residence, school, and place of employment. For more information on the Peace Order, contact one of the organizations listed at the end of this manual.

Keeping Your Address Confidential

Many court records are now public information. Usually the court requires every litigant to provide an address where he or she may be reached. If you have fled to an undisclosed location and wish to keep your address confidential, you should advise the clerk when you are completing your Petition for Protection. The clerk can then advise the court that you do not wish your address to be revealed.

“Full Faith and Credit” & Firearms*

Taking Your Protective Order Out of State

What should you do with your Protective Order when you travel or move outside the state of Maryland? The full faith and credit provision of the “Violence Against Women Act” says that a valid protection order must be enforced everywhere throughout the country. This means that if you get a valid protection order, it is good in the community where you received it as well as in all other jurisdictions or places you go in the United States. This includes protection orders issued in: all 50 states, Indian tribal lands, the District of Columbia, the United States Virgin Islands, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam. Therefore, if you leave the state of Maryland, your Protective Order is still valid. In addition, if you have fled to Maryland from another state, any valid Protective Order you might have obtained before leaving is enforceable here.

Filing or Registering Your Protection Order

Federal law requires jurisdictions (other than the jurisdiction that issued a protection order) to enforce your protective order even if you have not registered or filed it as may be required by local, state, or tribal law. However, you may want to consider registering or filing your order. There are some risks and benefits to this, and some are listed below. You may want to talk with a domestic violence advocate who can explain the process and help you decide whether filing or registration is a safe option for you.

Practical Tips on Registration

- Registration or filing can help law enforcement and courts to verify your order's existence and may increase the likelihood that it is enforced.
- You or your advocate/attorney may want to remind the court or law enforcement personnel who handle the filing or registration of your protective order that federal law prohibits enforcing jurisdictions from sending notice to the abuser, unless you request it.
- Filing or registration can be dangerous in certain situations – for example, where a protective order is a “public” record. An abuser can easily go into these public records – especially court records – to locate you.
- Filing or registration may be impossible or impractical in some circumstances – for example, if your abuser is stalking you across state or tribal lines.

Enforcing Your Order in Another Jurisdiction

Law enforcement officers, the courts, and prosecutors are required to enforce your protective order the same way they would enforce orders from their own community. For example, if the police would arrest someone for violation of a local order, they would have to do the same with a non-local order. Also, prosecutors should charge the crime, and judges should hear the case, according to the laws where the violation occurred.

Other Federal Laws That May Apply

Federal law prohibits an abuser subject to a qualifying order of protection from possessing firearms and ammunitions. Abusers are not banned from possessing guns and ammunitions permanently, only for the time that the order of protection is in existence. Additionally, there are “official use” exemptions, which allow law enforcement and military personnel who are subject to an order of protection to possess their service weapon while on duty. If the abuser in your case does own a firearm, you should report this to your local law enforcement agency.

It is a Federal crime for a person to travel interstate, or leave or enter Indian country with the intent to injure, harass or intimidate an intimate partner when in the course of or as a result of the travel the abuser commits a violent crime that causes serious bodily injury. The abuser must intend to commit the domestic

violence at the time of travel. The definition of partner is broad and basically includes a person with whom the abuser has cohabitated in an intimate relationship (including a current or former spouse) or a person who has a child in common with the abuser.

It is also a Federal crime to cause an intimate partner to cross state lines, or leave or enter Indian country by force, coercion, duress, or fraud if the abuser intentionally inflicts bodily injury on the partner during or as a result of the conduct.

**Information provided by the National Center of Full Faith and Credit, a project of the Pennsylvania Coalition Against Domestic Violence.*

PART 3 - RELATED LEGAL ISSUES AND REMEDIES

Petition for Forcible Entry and Detainer

As a victim of domestic violence, you may also seek protection from your abuser by filing a Petition for Forcible Entry and Detainer to evict your abuser from your home. This proceeding can be used if the abuser has no legal right to live at your dwelling. This is true where the abused person owns or leases the dwelling alone or with someone other than the abuser. The abuser must not contribute to the rent or mortgage payments. This type of relief is generally used by unmarried people. However, a married person could use this petition if: 1) he or she has moved to a new home which was never previously the marital home and; 2) the new home is a place the victim has not agreed to allow the abuser to live and; 3) the new home is a place where the abuser never contributed to rent or mortgage payments.

To use this relief, file a petition in either the District or Circuit Court, and a hearing will be scheduled. You will need to show the lease or the title to the property and any rent checks or receipts as evidence during the hearing. If the judge issues an order, the abuser has a right to appeal within ten days of the judgment. If the abuser does not appeal, contact the police or the sheriff in your jurisdiction to help you remove the abuser's belongings from the property.

A Forcible Entry and Detainer hearing may not be scheduled on an emergency basis. You should check with the court clerk about the court's policies and timelines in regard to these kinds of hearings.

Custody

Because children are often caught in the middle of a domestic violence situation, obtaining legal custody of the minor child or children is crucial to protecting them and the battered person. Until there is an Order by the court that gives one

parent temporary or permanent custody, both parents, regardless of their marital status, have equal rights to their children. This means that both parents have the right to have the children in their physical possession and the police may not remove the children from one parent's possession. A battered person can obtain temporary custody of the children pursuant to an Interim, Temporary or Final Protective Order. Such an Order gives the battered person primary rights over the children, and this custody arrangement is in effect until a new Order of the court is issued or the Order expires, whichever is first. A person without any court-ordered custody should seek legal assistance before attempting to gain legal custody.

The court uses the "best interest of the child" standard to determine who should have custody of the children. Some of the factors a judge will consider include the fitness of the parents, the character and reputation of the parties, the desire of the natural parents and any agreements between them, and the potential for maintaining natural family relations.

In a custody or visitation case, the court, under Section 9-101.1 of the Family Law Article, will consider as a factor bearing on the welfare and best interests of the child, evidence of abuse by a party against the other parent of the party's child, the party's spouse, or any child residing within the party's household, including children from other relationships.

Divorce

If you are married to your abuser, you may wish to consider taking steps to end your marriage. Obtaining a divorce - either limited (legal separation) or absolute (final divorce) - may decrease domestic violence by separating you, the battered person, from your abuser, your spouse. By initiating divorce proceedings, you may also be able to obtain use and possession of the family home if you obtain custody of the children. Some studies demonstrate, however, that abuse continues and may even escalate during the time the battered person is separating from or divorcing his or her abuser. This means that while getting a divorce can help end a violent relationship, it may not be effective as the sole method used to end the physical abuse.

Under Maryland law, a person who is in an abusive relationship may be able to obtain an absolute divorce on the grounds of cruel treatment or "excessively vicious conduct." There must be no reasonable expectation of reconciliation. These grounds do not require a waiting period before you can proceed. However, Interim, Temporary and Final Protective Orders are not admissible as proof of domestic violence in the divorce proceeding. There are also other grounds for divorce, such as adultery or constructive desertion, which may enable you to secure a divorce if you are in an abusive relationship.

PART 4 – FINAL COMMENTS

Domestic violence in a relationship is one of the most painful experiences we may encounter in our lives. The fact that you are reading this book means that you recognize that no one deserves to be abused and that you are ready to make a change for the better in your life.

You have rights as an abused person and there are organizations that exist to help you exercise those rights. If you need additional information, please contact one of the agencies listed in the back of this manual.

PART 5 - RESOURCES

Domestic Violence Programs

Allegany County

Family Crisis Resource Center
146 Bedford Street
Cumberland, MD 21502
(301) 759-9246 – Administration
(301) 759 9244 – **Hotline**
Shelter and counseling provided. No legal services provided.

Anne Arundel County

YWCA Domestic Violence Program
1517 Ritchie Highway, Suite 101
Arnold, MD 21012
(410) 757-8300 – Direct line
(410) 974-0084 – Baltimore line
(410) 222-6800 – Domestic Violence **Hotline**
(410) 626-7800-Anne Arundel County DV and counseling
Counseling, legal services, shelter and a batterer's program provided. Program will not accept survivors with current substance abuse or severe medical or mental health needs.

Baltimore City

House of Ruth
2201 Argonne Drive
Baltimore, MD 21218
(410) 889-0840 – Administration
(410) 889-**RUTH** (410-889-7884) – **24 Hr. Hotline**
(410) 554-8463 **Legal Clinic**
www.hruth.org
Provides legal services, counseling, advocacy, emergency shelter, children's therapy program and a batterer's program.

CHANA

The Associated: Jewish Community Federation of Baltimore
101 W. Mt. Royal Avenue
Baltimore, MD 21201
(410) 234-0030 – Administration
(410) 234-0023 or (1-800) 991-0023 – **Hotline**— 8:30 a.m.-8:30 p.m., Monday and

Thursday, and 8:30 a.m.-5:30 p.m., Tuesday, Wednesday and Friday
Program provides counseling, shelter and legal services to Jewish women or women battered by Jewish men.

Protective Order Advocacy and Representation Project (POARP)

The Women's Law Center of Maryland

Baltimore City Circuit Court

111 N. Calvert Street, Room 100

Baltimore, MD 21202

(410) 783-0377 – Legal Services

(410) 783-9989 – Fax

www.wlcmd.org

Project provides legal representation in ex parte and protective order cases in the Circuit Court.

Multi-Ethnic Domestic Violence Project (MEDOVI)

The Women's Law Center of Maryland

Baltimore City Circuit Court

111 N. Calvert Street, Room 100

Baltimore, MD 21202

(410) 534-8800 (multi-lingual voice mail) – Legal Services and **HOTLINE**

(410) 783-9989 - Fax

www.wlcmd.org

Project provides foreign-born victims of domestic violence with legal representation, advocacy and assistance.

House of Ruth Domestic Violence Legal Clinic

District Court of Maryland

1400 E. North Avenue

Baltimore, MD 21213

(410) 235-6370, (410) 554-8463 – Legal Services

(410) 235-6374 – Fax

www.hruth.org

Services: Organization provides legal services, counseling, advocacy, emergency shelter, children's therapy program and a batterer's program.

St. Michael's Outreach- Adelante Familia

1922 E. Lombard Street

Baltimore, MD 21231

(410) 732-2176

Outreach program provides emergency/supplemental food, Domestic Violence (DV) prevention program, education and support. DV prevention program is for Spanish-speakers only.

Turnaround, Inc.

2300 N. Charles Street, 2nd Floor
Baltimore, MD 21218
(410) 377-8111 – Administration
(410) 837-7000 – Baltimore Line
(410) 828-6390 – **Hotline**

www.turnaround.org

Organization provides counseling, education, and limited shelter services.

Baltimore County

ACTS, Inc. (serving Baltimore and surrounding areas)
40 East Burke Avenue
Towson, MD 21204
(410) 825-8773 **Hotline**

Organization provides transitional housing program and counseling.

CHANA

The Associated: Jewish Community Federation of Baltimore
101 W. Mt. Royal Avenue
Baltimore, MD 21201

(410) 234-0030 – Administration

(410) 234-0023 or (1-800) 991-0023 – **Hotline**— 8:30 a.m.-8:30 p.m., Monday and Thursday, and 8:30 a.m.-5:30 p.m., Tuesday, Wednesday and Friday

Program provides counseling, shelter and legal services to Jewish women or women battered by Jewish men.

Family Crisis Center of Baltimore County

P.O. Box 3909

Baltimore, MD 21222

(410) 285-4357 – Administration

(410) 285-7496 – Shelter

(410) 828-6390 – **Hotline**

Center provides shelter, counseling, legal services and community education.

Family and Children's Services

Domestic Violence Program

3104 Lord Baltimore Drive, Suite 206

Baltimore, MD 21244

(410) 828-6390 **Hotline- Baltimore and Carroll Co.**

(410) 281-1334 Woodlawn office

(410) 876-1233 Westminster office

www.fcsmd.org

Program provides shelter, attorney referrals, courtroom advocates, counseling and a batterer's program.

Protection Order Advocacy and Representation Project (POARP)

The Women's Law Center of Maryland, Inc.

Baltimore County Circuit Court

401 Bosley Avenue, Room 101

Baltimore, MD 21204

(410) 887-3162 – Legal Services

(410) 823-4362 – Fax

www.wlcmd.org

Project provides legal representation in ex parte and protective order cases in the Circuit Court.

Turnaround, Inc.

401 Washington Avenue, Suite 300

Towson, MD 21204

(410) 377-8111 – Administration

(410) 837-7000 – Baltimore Line

(410) 828-6390 – **Hotline**

www.turnaround.org

Organization provides counseling, therapy, batterer's program, and shelter.

Calvert County

Crisis Intervention Center

Calvert County Health Department

P.O. Box 980

Prince Frederick, MD 20678

(410) 535-5400 – Main Health Dept. or (301) 855-1353

(410) 269-1051 – Baltimore line

(410) 535-1121 – **Hotline**

(301) 855-1075 – **Metro Hotline**

(410) 257-2216 – Teen Hotline

No legal services provided.

Caroline, Dorchester, Kent, Queen Anne's and Talbot Counties

For All Seasons, Inc.

300 Talbot Street

Easton, MD 21601

(410) 822-1018 or (1-800) 310-7273 – Administration

(410) 820-5600 – **Hotline– Hotline *primarily for victim's of sexual assault**

<http://forallseasonsinc.org/>

Organization provides counseling, a family visitation center, and crime victims' services.

Mid-Shore Council on Family Violence, Inc.
P.O. Box 5
Denton, MD 21629
(410) 479-1149 – Administration and Legal Services
(1-800) 927-4673 **Hotline**
www.msfcv.org
Council provides counseling, shelter, and crisis intervention.

Carroll County

Protection Order Advocacy and Representation Project (POARP)
The Women's Law Center of Maryland, Inc.
55 N. Court Street, Suite 208
Westminster, MD 21157
(410) 386-2440 – Legal Services
(410) 751-5339 - Fax
www.wlcmd.org
Project provides legal representation in ex parte and protective order cases in District and Circuit Court.

Family and Children's Services of Central Maryland
Domestic Violence Program
22 N. Court Street
Westminster, MD 21157
(410) 876-1233 – Westminster office
(410) 828-6390 – **Hotline- Baltimore and Carroll Co.**
(410) 281-1334 – Woodlawn office
(410) 876-4791 – Fax
www.fcsmd.org
Program provides shelter, attorney referrals, courtroom advocates, counseling and a batterer's program.

Cecil County

Domestic Violence/Rape Crisis Center
P.O. Box 2137
Elkton, Maryland 21922
(410) 996-0333 – **Hotline**/Administration
(410) 996-0820 – Fax
Center provides counseling, shelter, advocate and batterer's program, legal advice only.

Charles County

Center for Abused Persons
2670 Crain Highway, Suite 303
Waldorf, MD 20601
(301) 645-8994 – Administration
(301) 843-1110 – D.C. Line
(301) 645-3336 – **24 Hr. Crisis Line**
Center provides court accompaniment, counseling and batterer's program.

Southern MD Center for Family Advocacy
(formerly St. Mary's Women's Center)
23918 Mervell Dean Road
Hollywood, MD 20636
(301) 373-4141 – Legal Services/Administration
(301) 373-4147 – Fax
Center limits legal services to ex parte and protective orders.

Frederick County

Heartly House
P.O. Box 857
Frederick, MD 21705-0857
(301) 662-8800 – **24 Hr. Hotline**
(301) 662-1565 – **24 Hr. Hotline TTY**
Provides shelter, counseling, advocacy, batterer's program and community education. Legal services are provided for DV victims.

Garrett County

Dove Center - Domestic Violence and Sexual Assault Resource Center
12978 Garrett Highway, Suite 201
Oakland, MD 21550
(301) 334-6255 Administration
(301) 245-4525 Fax
(301) 334-9000 – **Hotline**
www.garrettdovecenter.org
Center provides court accompaniment, counseling, shelter, advocacy, referrals, and a batterer's program.

Harford County

CHANA
The Associated: Jewish Community Federation of Baltimore
101 W. Mt. Royal Avenue
Baltimore, MD 21201
(410) 234-0030 – Administration

(410) 234-0023 or (1-800) 991-0023 – **Hotline**— 8:30 a.m.-8:30 p.m., Monday and Thursday, and 8:30 a.m.-5:30 p.m., Tuesday, Wednesday and Friday
Program provides counseling, shelter and legal services to Jewish women or women battered by Jewish men.

Sexual Assault/Spouse Abuse Resource Center (SARC)

18 S. Main Street
Bel Air, MD 21014

(410) 836-8431 – Administration

(410) 879-3486 – Baltimore Line

(410) 838-9484 – Fax

(410) 879-8430 – **Hotline**

www.sarc-maryland.org

Center provides family law legal services, counseling, emergency shelter, community outreach, court accompaniment, and a batterer's program.

Howard County

Domestic Violence Center of Howard County

5457 Twin Knolls Road, Suite 310

Columbia, MD 21045

(410) 997-0304 – Administration and TTY

(410) 997-2272 or (1-800) 752-0191 – **Helpline**

www.dvcenter.org

Center provides shelter service and transitional housing; counseling and advocacy; community outreach, legal representation and advocacy for DV victims.

Montgomery County

Abused Persons Program

1301 Piccard Drive

Suite 1400, 1st Floor

Rockville, MD 20850

(240) 777-4210 – Administration

(240) 777-4195 – Intake Line

(240) 777-4873 – **Hotline** and Walk-In Center

Program provides counseling, legal advocacy, and shelter.

House of Ruth Domestic Violence Assistance

Montgomery County Circuit Court

50 Maryland Avenue, Room 307

Rockville, MD 20850

(240) 777-9077 – Legal Services

(240) 777-9085 – Fax

www.hruth.org

Services: Provides legal services, counseling, advocacy, emergency shelter, children's therapy program and a batterer's program.

Prince George's County

Family Crisis Center
3601 Taylor Street
Brentwood, MD 20722
(301) 779-2100 – Administration
(301) 731-1203 – **Hotline**

Provides DV counseling, safe haven, safe visitation center and exchange; community education and court companions. No legal advice.

House of Ruth Domestic Violence Legal Clinic
Hyattsville Courthouse
4990 Rhode Island Avenue, Int. Rm #4
Hyattsville, MD 20781
(301) 985-3588 – Legal Services
(301) 779 -1721 - Fax

www.hruth.org

Services: Provides legal services, counseling, advocacy, emergency shelter, children's therapy program and a batterer's program.

House of Ruth Domestic Violence Legal Clinic
Prince George's County Circuit Courthouse
14735 Main Street
Upper Marlboro, MD 20772
(301) 952-4302 – Legal Services
(301) 574-3782 – Fax

www.hruth.org

Services: Provides legal services, counseling, advocacy, emergency shelter, children's therapy program and a batterer's program.

St. Mary's County

Walden/Sierra, Inc.
26845 Point Lookout Road
Leonardtown, MD 20650
(301) 997-1300 – Administration
(301) 997-1321 – Fax
(301) 863-6677 – Appointment Desk
(301) 863-6661 – **Hotline**

Program provides crisis intervention, outreach services, DV emergency assistance and emergency shelters.

Southern Maryland Center for Family Advocacy
(formerly St. Mary's Women's Center)
23918 Mervell Dean Road
Hollywood, MD 20636
(301) 373-4141 – Legal Services/Administration
(301) 373-4147 – Fax

Center provides legal representation but limited with family law cases. Also provides referrals.

Somerset, Wicomico, and Worcester Counties

Life Crisis Center, Inc.
P.O. Box 387
Salisbury, Maryland 21803
(410) 749-0632 – Admin.
(410) 548-9496 – Fax
(410) 749-4357 – **Hotline**

Center provides counseling, DV shelter, legal and medical advocacy, family visitation center, batterer's program and lawyer referrals for current clients.

Washington County

Citizens Assisting & Sheltering the Abused (CASA)
116 W. Baltimore Street
Hagerstown, MD 21740
(301) 739-4990 – Administration
(301) 797-6717 – Fax
(301) 739-8975 – **Hotline**

Organization provides DV counseling, batterer's program, displaced homemakers program, legal advocacy and shelter (with limitations).

Additional Resources on Domestic Violence

Maryland Network Against Domestic Violence (MNADV)

6911 Laurel Bowie Road, Suite 309
Bowie, MD 20715
(301) 352-4574 – Administration
(301) 809-0422 – Fax
(1-800) MD-HELPS (634-3577) – **Referral Line**
www.mnadv.org

Immigration Legal Services

Catholic Charities
430 S. Broadway

Baltimore, Maryland 21231-2409
(410) 534-8015 – Administration
(410) 675-1451 – Fax

www.catholiccharities-md.org

Organization provides low or no cost legal advice and representation in a wide range of immigration related matters

Multi-Ethnic Domestic Violence Project (MEDOVI)

The Women's Law Center of Maryland, Inc.
111 N. Calvert Street, Room 331
Baltimore, MD 21201

(410) 396-3294 – Administration

(410) 534-8800 – **Multi-Lingual Hotline**

(410) 783-9989 – Fax

www.wlcmd.org

Project provides foreign-born victims of domestic violence with legal representation, advocacy and assistance.

Family Law Hotline

A Project of the Women's Law Center of Maryland, Inc.

(800) 845-8550 – **Hotline**

Project provides legal information to income eligible Marylanders seeking information about a family law issue, including domestic violence. The Hotline operates Monday – Friday from 9:30am to 4:30pm.

Legal Forms Helpline

A Project of the Women's Law Center of Maryland, Inc.

(800) 818-9888 – Helpline

(877) 293-2507 – Spanish Hotline

Project is a free service that provides information over the phone to people who are filing a family law case without an attorney. Hours: Tuesday 9:00am to 12:30pm; Wednesday 9:00am to 12:30pm and 4pm to 7pm; Thursday 9:00am to 4:00pm; Friday 9:00am to 12:30pm. A Spanish speaking attorney is available on Mondays 9:00am to 12:30pm.

Law Libraries

In addition to the libraries listed here, call your local circuit court library to find out if their library is open to the public. Your public library may also carry the Annotated Code of Maryland and other helpful publications. You may find a list of public law libraries at The People's Law Library www.peoples-law.org.

University of Maryland School of Law
Baltimore, MD
500 W. Baltimore Street

Baltimore, MD
(410) 706-2373
Library Hours: Monday through Friday 8 a.m. to 11 p.m.;
Saturday 9 a.m. to 8 p.m.; Sunday 10 a.m. to 10 p.m.

University of Baltimore School of Law
1415 Maryland Avenue
Baltimore, MD
(410) 837-4554
Library Hours: Monday through Friday 8 a.m. to 12 a.m.;
Saturday and Sunday, 9 a.m. to 12 a.m.

The Maryland Commission for Women

The Maryland Commission for Women is a state agency that identifies problems, defines issues, and recommends policies and solutions that would change those practices that prevent the full participation of women in today's society.

For more information, call: (410) 767-7137, Monday through Friday, 8:30 a.m. to 5 p.m., www.marylandwomen.org

The Women's Law Center of Maryland, Inc.

The Women's Law Center of Maryland, Inc. is a non-profit membership organization dedicated to promoting equal rights under the law. The Women's Law Center operates a variety of innovative projects for Marylanders, including family law programs such as the Protective Order Advocacy and Representation Project in the Circuit Courts of Baltimore City, Baltimore County and Carroll County, the Legal Forms Helpline, the Family Law Hotline and the Reduced Fee Child Custody Project in Baltimore County.

For more information, call 410-321-8761, Monday through Friday, 9 a.m. to 5 p.m. or visit www.wlcmd.org.