



SHIELDING PEACE ORDERS AND PROTECTIVE ORDERS

This factsheet provides an overview of a topic, but it is not legal advice. Please consult an attorney about your particular situation.

If someone filed for a peace order or protective order against you, and the case was dismissed, or you consented to the order, you may be able to shield the case.

Shielding means hiding a case from the public view. No one can see that the case exists unless they get special permission from the court.

Eligibility

Dismissed Case: If the case against you was dismissed at any stage, you may be eligible for shielding. The following things need to be true. (In this document, “the petitioner” is the person who filed the peace order or protective order you wish to shield.)

- A final peace order or protective order has not previously been entered against you from the same petitioner.
- No pending peace order or protective order proceedings brought by the same petitioner.
- You have not been convicted of a crime arising from abuse against the petitioner.
- There are no criminal charges pending against you related to abuse against the petitioner.

Consented to Case: If you consented to the entry of a peace order or protective order against you, you may still be able to shield the case. The four requirements listed above apply to consented to orders, with two additional requirements.

- You must not have violated the peace order or protective order during its term.
- The Petitioner must consent to the shielding

How to File

You can obtain a Request to Shield Peace Order or Protective Order from the court in-person or online. You will need the form specific to your case – peace order or protective order, dismissed or consented to. "Find the specific forms here - <http://bit.ly/shieldingforms> - by searching for "request to shield" in the Maryland Court Forms Search.

Fill out the proper form with the relevant information such as dates, names, location, and, for dismissed orders, the point at which the case was dismissed (temporary, interim, or final). This information can be found on Maryland Judiciary Case Search or by looking at the physical case file in the court house. Find your case by searching for your name or entering your case number on Case Search - <http://casesearch.courts.state.md.us/casesearch/>

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You will need to mail a copy of the request to the petitioner.

IMPORTANT: If the case happened less than three years ago, you will also need to file a 'General Waiver and Release' which means you agree not to sue the petitioner for anything that may have happened relating to the original proceeding. This form can be obtained from the court in-person or online at <http://bit.ly/shieldingforms>.

After Filing

The court will set a hearing. **The petitioner has the right to appear at the hearing and contest your attempt to shield the case.** If this happens, you will have to convince the judge that you are not a danger to the petitioner or the general public, and that you deserve shielding. If any of these things are true, you may wish to let the judge know things such as: you have no contact with the petitioner, the case is preventing you from moving on with your life, getting a job, or getting housing.

If your shielding petition is granted, the Court will order that all records of the case be hidden from public view. This means the case will not appear on Case Search, and no one will be allowed to view the physical case file without special permission from the Court. Employers in certain fields, such as education, child care, or law enforcement, can request permission to view the case file.

If your shielding petition is not granted, **you have the right to appeal the decision.** An appeal would be an opportunity to convince a higher Court that the judge was incorrect in finding that you don't deserve shielding. Note that shielding is the only way to hide this type of case from public view.

MVLS does not provide legal assistance in these types of case. The Maryland Self-Help Center, 410-260-1392, may be able to provide brief legal advice.

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