

Shielding Information: Protective and Peace Orders



**MARYLAND OFFICE OF THE
PUBLIC DEFENDER**

This booklet is for informational purposes only and is not a substitute for speaking to an attorney about your individual case.

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Definitions:

Protective Order and Peace Order: Both a Protective Order and Peace Order are civil orders issued by a court to refrain one person from committing certain acts against another person or persons. The difference is that a Protective Order generally applies to people in domestic relationships, while a Peace Order applies to other groups, such as neighbors, co-workers, etc.

Court Record: an official record of a court proceeding that a court keeps, including electronic information.

Maryland Judicial Case Search: a website that provides public access to court records.

Petitioner: the person who files a petition for a Protective Order or Peace Order.

Respondent (defendant): the person alleged in the petition to have committed the abuse or unwanted behavior.

Torts Claim: The injured party can sue the wrongdoer to recover damages and compensation.

WHAT IF I AM NOT A CITIZEN?

Immigration is a complex subject that this brochure cannot fully address. If you are not a United States citizen, you may want to speak to an immigration attorney prior to filing for a shielding.

INTRODUCTION:

This brochure introduces you to the shielding law that applies to protective or peace orders only. If you want information about other types of shielding, you should visit the courthouse or its website. The Courts publish a brochure titled, "Public Access to Maryland's Court Records." Go to the website: mdcourts.gov or courts.state.md.us to view or obtain a copy.

The court information provided in this pamphlet is for Baltimore City. If your case (s) are in another jurisdiction in the Maryland, you will need to obtain the court information and address for that particular County.

WHAT IS SHIELDING? [MD Fam L Code § 4-512 \(2017\)](#)

Shielding removes information from public inspection. "Shielding" means:

(i) with respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the Web site maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

BOTH petitioner and respondent may request shielding.

WHY FILE FOR SHIELDING?

If anyone has ever requested a peace order or protective order against you, that request will be on the Maryland Judicial Case Search. It means that anyone with access to the internet, will be able to see this information. Employees, landlords, schools or family and friends have easy access through a simple computer search at: www.casesearch.courts.state.md.us.

The information is available to the general public regardless of the outcome of the proceedings. Even if the requests were denied or dismissed, the information is still available.

Favorable outcomes may negatively affect the prospect of employment or a housing application., for example Shielding the case also protects your privacy.

HOW IS SHIELDING DIFFERENT FROM EXPUNGEMENT?

- Shielding is not expungement. It is not the permanent removal nor does it prevent some people from having access to the information, such as a judge, law enforcement, and the prosecutor. Shielding only prevents the general public from having access.
- The information still exists; but once the Shielding is granted, the court clerk takes the necessary steps to ensure that the information is no longer available on Case Search or other publically accessible court records.
- Expungement only applies to criminal proceedings. Peace Orders and Protective Orders are civil proceedings.

SO WHO STILL HAS ACCESS?

The following will have access to a shielded record for a legitimate reason:

- Law enforcement officer
- Attorney representing the petitioner or respondent in the proceeding
- State's attorney (the prosecutor)
- Employee of local Department of Social Services
- Victim Services provider as defined by Department of Human Resources.
- Individuals (with a legitimate reason) may view the court record, but only by a court order signed by a judge

This access is obtained through a guarded website. The general public cannot access this guarded website.

HOW DO I GET STARTED?

- Go to Maryland Judicial Case Search, casesearch.courts.state.md.us/casesearch.
- Enter your name. Sort by the column: "Case Type."
- Protective/Peace Orders are listed as **"domestic violence," "D/V, " peace order, or protective order.**
- Determine if the case listed belongs to you. Keep in mind that Case Search lists everyone with the same name that is entered. You should double check that the case number listed is your case. You can check by date of birth, address, and/or incident date. If you used another name or your name was misspelled, you will need to do additional searches to find these cases, if needed.
- **Once you determine the case belongs to you, make sure you can determine whether it was a protective order or peace order.**
- There are separate forms for each type

WHY IS THE PETITIONER'S NAME NOT LISTED?

In 2012, the Maryland Courts decided to no longer list the name of the Petitioner on Protective/Peace Order cases in Case Search. This means you will have to do a little more investigation to make sure that the case applies to you and that you are eligible to request the shielding.

HOW DO I MAKE SURE THE CASE(S) ARE MINE?

- It's important to investigate if this case is yours, or you have been more than one (1) person who has filed against you.
- Does the information listed on Case Search trigger your memory?
- Would friends or family be able to provide the information?
- Do you recall the date it was issued?
- Do you recall the case and the Petitioner's name?
- You **MUST** make sure that the case or cases are indeed yours and that you are eligible.

AM I ELIGIBLE FOR A SHIELDING?

1. Determine if the matter filed against you was a Peace Order or Protective Order.
1. The Peace Order or Protective Order was
 - Denied or Dismissed
 - OR
 - You, the respondent, consented to the entry of a Protective Order or a Peace Order, which was then granted.
3. AND you must be able to satisfy all of the requirements detailed in the checklists on the following pages.

WHEN CAN I FILE FOR SHIELDING?

- The general rule is you must wait three (3) years from the date the Protective/Peace Order proceeding itself expired. However, you can file earlier than the three (3) years.
- If you want to file **immediately** for shielding, you must file a General Waiver and Release Form.
- After three (3) years, the General Waiver and Release Form is no longer required.

WHAT IS THE GENERAL WAIVER AND RELEASE FORM?

- Under Maryland Law, you have the right to sue the Petitioner regarding torts claim. You generally need to bring this suit within three (3) years after the case has ended. Because of this right to sue, you have to release your rights to sue if you wish to request shielding sooner than three (3) years. By signing the General Waiver and Release, you are affirming to the Courts that you are giving up your rights to sue the Petitioner about this particular case.
- You may wish to speak to an attorney before making this decision.
- The decision not to sue is beyond the scope of this brochure.

If filing immediately or within 3 years:

Use Form CC-DC-077: GENERAL WAIVER AND RELEASE

Consented to Protective Orders

(You must be able to check all boxes)

- The Respondent did not violate the Protective Order during its term.
- A final protective/peace order has never been issued against the Respondent in any proceeding between this Petitioner and Respondent.
- The Respondent has not been found guilty of a crime arising from abuse against Petitioner.
- There are no protective orders or peace orders pending against the Respondent.
- There are no criminal charges pending against the Respondent arising from alleged abuse against an individual
- OR
- The Respondent has refiled this request for shielding after one (1) year from the date of the prior hearing to shield and all of the above are true.

Dismissed Protective Orders

(You must be able to check all boxes)

- A final protective/peace order has never been issued against the Respondent in any proceeding between this Petitioner and
- The Respondent has not been found guilty of a crime arising from abuse against Petitioner.
- There are no protective orders or peace orders pending against the Respondent in a proceeding between this petitioner and Respondent
- There are no criminal charges pending against the Respondent arising from alleged abuse against the Petitioner.

Abuse is defined as:

- * Act that causes serious bodily harm
- * Act that places the petitioner in fear of imminent serious bodily harm
- * Assault
- * Rape or sexual offense
- * False imprisonment
- * Stalking

Consented to Peace Orders

(You must be able to check all boxes)

- The Respondent did not violate the Peace Order during its term.

- A final protective/peace order has never been issued against the Respondent in any proceeding between this Petitioner and

- The Respondent has not been found guilty of an act described in CJ §3-1503(a) against the petitioner.

- At the time of the hearing, there is not an interim or temporary peace order or protective order pending against the Respondent.

- At the time of the hearing, there are no criminal charges pending against this Respondent arising from an alleged act against the Petitioner, as described in CJ §3-1503(a)
OR
The Respondent has refiled this request for shielding after one (1) year from the date of the prior hearing to shield and all of the above are true.

Dismissed Peace Orders

(You must be able to check all boxes)

- A final protective/peace order has never been issued against the Respondent in any proceeding between this Petitioner and

- The Respondent has not been found guilty of an act described in CJ §3-1503(a) against the petitioner.

- At the time of the hearing, there is not an interim or temporary peace order or protective order pending between the Petitioner and Respondent.

- At the time of the hearing, there are no criminal charges pending against this Respondent arising from an alleged act against the Petitioner, as described in CJ §3-1503(a).

Abuse as defined by CJ §3-1503(a)

- * Act that causes serious bodily harm
- * Act that places the petitioner in fear of imminent serious bodily harm
- * Assault
- * Rape or sexual offense
- * False imprisonment

- * Harassment
- * Stalking
- * Trespass under Title 6, Subtitle 4 of the Criminal Law Article
- * Malicious destruction of property

WHAT PAPERWORK DO I FILE?

Once you determine that you have eligible case(s) to shield, you need to file your request(s) with the Courts. Forms can be obtained at the Courthouse or on the Court's website: courts.state.md.us/courtforms

The following are forms that you will need. You will need one (1) of the following four (4). Ask the court clerk for these forms or print them from the website.

1. Form CC-DC-DV-021A: Request to shield DENIED OR DISMISSED PROTECTIVE ORDER
OR

Form CC-DC-DV-021B: Request to shield CONSENTED TO PROTECTIVE ORDER
OR

Form CC-DC-PO-016A: Request to shield DENIED OR DISMISSED PEACE ORDER
OR

Form CC-DC-PO-016B: Request to shield CONSENTED TO PEACE ORDER

2. **If filing within 3 years of the order's denial/dismissal or order:**

Form CC-DC-077: GENERAL WAIVER AND RELEASE

- 3A. When you file a shielding petition, you are required to notify the other party involved in the case. You must deliver the petition to the other party before you file with the court. By signing the "**Certificate of Service**" portion of the sealing petition, you are saying to the Court you served the other party.

OR

- 3B. Generally, the Petitioner's address is not listed on case search or court documents. If this is the case, you must file a separate motion for the court clerk to serve the Petitioner. If you are not able to hand them a copy of the petition you are filing, you must submit a "**Motion for Service By Clerk Concerning Request to Shield**" to the court and check the box stating "I have filed the attached Motion for Service by Clerk."

Form CC-DC-DV-025: Motion for service by clerk concerning REQUEST TO SHIELD PROTECTIVE ORDER RECORDS

OR

Form CC-DC-PO-019: Motion for service by clerk concerning REQUEST TO SHIELD PEACE ORDER RECORDS

WHERE DO I FILE THE PAPERWORK?

File all paperwork in the court where the Protective Order or Peace Order proceeding took place (where you went to court)

In **Baltimore City** specifically, all Protective/Peace Order proceedings are handled at the Eastside Courthouse located at **1400 E. North Avenue, Baltimore, MD 21213**. Telephone number: 410-878-8500. The clerk's office is located in the basement of the building.

Bring the printout of the case(s) you wish to shield and go to the clerk's office. Tell them you wish to file for a shielding request and need to verify the information for the paperwork. You can examine the original court file to make sure all of the information on your complaint is correct.

WHAT HAPPENS NEXT?

The Court will schedule a hearing. You will receive notice of this hearing. You must attend the hearing. If you are not present, the Court may deny your Shielding request.

At the hearing, you should be prepared to inform the court why you are requesting the hearing. (i.e. the peace/protective was denied, dismissed, or consented to; privacy concerns; the order hinders opportunities for employment, school, housing, etc.) Give specific examples of how this matter has affected you in a negative way.

The court will give notice of hearing to the Petitioner or the Petitioner's attorney. The Petitioner has the option to attend. The hearing can proceed with or without the Petitioner present.

If the Petitioner attends and the Petitioner does not object to your request, the shielding request will be granted by the Court.

WHAT IF THE PETITIONER OBJECTS?

If the Petitioner objects to the shielding request, the Judge will decide whether or not to grant your request. The Court will hear from you and the Petitioner. The Judge must decide that there is good cause for denying the request.

In determining good cause, the Judge will balance your rights of privacy and the harm that may result if the matter is not shielded, against the potential risk of future harm and danger to the Petitioner and community.

HOW DO I RESPOND?

Remind the Judge why you filed for shielding (i.e. the peace/protective was denied, dismissed, or consented to; privacy concerns; the order hinders opportunities for employment, school, housing, etc.) Give specific examples of how this matter has affected you in a negative way.

Remind the Judge that this is not an expungement and that law enforcement and other agencies still have access to the information.

WHAT IF THE REQUEST IS DENIED?

You have the right to appeal the Court's decision.

WHAT IF THE REQUEST IS GRANTED?

Verify it by checking Case Search. www.casesearch.courts.state.md.us. You should no longer be able to see it.

SUMMARY OF WHAT STEPS YOU NEED TO TAKE:

1. The Peace Order/Protective Order must have been dismissed, denied, or consented to and all of the other requirements must be met for the case to be eligible for shielding.
2. You must file one (1) of the four (4) shielding petitions that corresponds to your matter.
3. You must notify the other party involved in the case that you are filing a shielding request. You must confirm that you did so on the petition OR submit a motion for service to order the court to notify the other party.
4. If you are filing a shielding request within three (3) years of the original peace order/protective order, you must also submit a "General Waiver and Release."
5. File the **shielding petition, Motion for Service, and General Waiver and Release** at the appropriate court.
6. You may have to attend a hearing. Be prepared to state how important it is for the Judge to Shield your case.

