

Maryland Protective Orders: A Comparison of Tools for Firearm Removal and Crisis Intervention

Extreme Risk Protective Order (ERPO)

Purpose	Petitioner(s)	Relief Offered	Key Considerations
ERPOs, known as “red flag” laws, are civil court orders that require a person (respondent) who poses an immediate and present danger of harming themselves or others to surrender all firearms and ammunition in their possession and prohibit them from purchasing or possessing firearms or ammunition for the duration of the order.^{1,2} The court must base its decision on evidence of the respondent’s behavior and whether it presents an immediate risk of harm to themselves or others—not solely on mental health history or diagnosis. However, the court may also refer the respondent for an emergency evaluation if specified criteria are met.³	• Law enforcement; • Family members (e.g., current or former spouse, dating, or intimate partner; relative of the respondent by blood, marriage, adoption, or legal guardianship); • Household members (e.g., roommate/cohabitant); • A licensed clinician or health official who has examined the respondent (e.g., physician, psychologist, clinical social worker, counselor, psychiatric nurse specialist or practitioner, marriage/family therapist, or a health officer or designee).³	ERPOs require the respondent to: • Immediately surrender all firearms and ammunition in their possession to law enforcement; and • Adhere to prohibitions on purchasing or possessing firearms or ammunition.³ Firearms & Ammunition: • Interim ERPO: must surrender firearms and ammunition; no purchase/possession.³ • Temporary ERPO: must surrender firearms and ammunition; no purchase/possession.³ • Final ERPO: must surrender firearms and ammunition; no purchase/possession.³	• The purpose of an ERPO is to reduce immediate risks of gun violence to self and/or others by temporarily restricting the respondent’s access to firearms and ammunition. • ERPOs do not provide stay-away, no-contact vacate, custody, or “stop-abuse” relief—consider filing for a Protective Order or Peace Order for these protections.^{4,5} • ERPOs may be sought in addition to other civil orders (e.g., Protection Orders, Peace Orders) or Emergency Evaluations.^{4,5} • Depending on the case, the petitioner may be required to participate in the interim, temporary, and/or final ERPO hearings. • Interim ERPO lasts until whichever occurs first—the end of the 2nd business day the court is open after the order is issued or the temporary ERPO hearing. • Temporary ERPO generally lasts up to 7 days after it is served. It may be extended for up to 6 months if needed to complete service or for other good cause. A final hearing is typically scheduled within this period, and the order expires when the court issues a final decision. • Final ERPO typically lasts up to 1 year. The court may extend the order for an additional 6 months if notice is given, a hearing is held, and there is good cause. If a request to extend is filed and the hearing occurs after the original expiration date, the order remains in effect until the hearing.

Domestic Violence Protective Order (DVPO)

Purpose	Petitioner(s)	Relief Offered	Key Considerations
DVPOs (Protective Orders) are civil court orders designed to protect people experiencing domestic violence, intimate partner violence, or sexual violence from further harm by requiring the respondent to stop abusive behavior, avoid contact, and, when appropriate, granting other safety-related reliefs.^{4,10,11}	A person who has a current or former relationship to the respondent such as a: • Spouse; • Cohabitant (intimate partner who lived with the respondent); • Relative by blood, marriage, guardianship, or adoption; • Parent, stepparent, child, or stepchild (in certain circumstances); • Has a child with the respondent; • Former sexual partner (sexual relationship with the respondent within the past year); • Vulnerable adult (someone unable to meet their daily needs due to physical and/or mental limitations);¹² or • Sexual assault survivor (alleges rape or attempted rape, or another sexual offense by the respondent within the past 6 months).¹¹	A DVPO may order the respondent to: • Stop abuse or threats of abuse; • Have no contact with the petitioner and not harass them; • Stay away from the petitioner's home, work, school, temporary residence, childcare provider, and certain family members' homes; • Vacate a shared home and give the petitioner temporary use/possession of the home; • Comply with family-related relief such as, temporary child custody, child access and parenting time restrictions, temporary use of vehicle, possession of a pet, and emergency family maintenance (including wage withholding, in some cases);²¹ • Participate in supervised counseling or an abuser intervention program (as permitted); • Shielding of records; and • Comply with any other relief necessary to protect the safety of the survivor.^{10, 11, 13} Firearm restrictions vary by order type: • Interim DVPO: Firearm surrender is not permitted as an available relief.^{11, 13} • Temporary DVPO: Firearm surrender may be permitted if ordered by the judge.^{11, 13} • Final DVPO: Firearm surrender must be ordered.^{11,13} • Permanent DVPO: Firearm restrictions may continue if included in the order.^{11, 13}	• Petitioners may seek both a DVPO and an ERPO if firearms are involved and immediate safety is a concern. • A petitioner may qualify for either a DVPO or a Peace Order, but not both.^{10,11} • Interim DVPOs last until the end of the 2nd business day after it was issued (or the next day the court is open if set to expire when the court is closed).^{10, 11, 13} • Temporary DVPOs typically last up to 7 days* but may be extended up to 6 months if necessary.^{10,11,13,15} • Final DVPOs typically last up to 1 year but may be extended in certain circumstances.^{10, 11, 13} • The priority should always be the survivor's safety and autonomy in deciding whether to seek an order and, if so, what type. • Addressing Privacy Concerns: If including the petitioner address and contact information on court documents could put you at risk, <u>file a DVPO Address Confidentiality Request Form with the court.</u>¹⁴ • MD Safe at Home Address Confidentiality Program, offers long-term address privacy.

Peace Order

Purpose	Petitioner(s)	Relief Offered	Key Considerations
A Peace Order is a civil court order that can provide legal protection for those who are not eligible for a Protective Order (PO), but have experienced certain acts of abuse, harassment, or threats within the past 30 days.^{5,19}	• An individual not eligible for a DVPO who, within the last 30 days, has experienced certain acts such as assault, harassment, stalking, trespassing, property damage, or serious threats; • People in non-sexual dating relationship; • A roommate (not defined); and • An employer (on behalf of an employee who was threatened or harmed at the employee's workplace).¹⁹	The court may order only the protections needed for safety against the respondent, which may include: • No contact/stay-away provisions; • Counseling/mediation for the respondent; • Costs/fees; • Visual surveillance device removal; • Enforcement and penalties; and/or • Shielding of records.¹⁹ A Note on Firearm Access • Peace Orders do not allow for firearm surrender or prohibit firearm possession for the respondent.	• To obtain a Peace Order, the petitioner must show that the respondent committed an act covered by law within the past 30 days and is likely to commit a similar act again. • Interim Peace Orders last until the end of the 2nd business day after it was issued (or the next day the court is open if set to expire when the court is closed).²⁰ • Temporary Peace Orders generally last up to 7 days after service, but may be extended up to 30 days for service issues or other good cause.^{5,19} • Final Peace Orders can last up to 6 months and may be able to be extended for an additional 6 months after notice and a hearing.^{5,19} • Addressing Privacy Concerns: If including your address and contact information on court documents could put you at risk, file a <u>Peace Order Address Confidentiality Request Form</u> with the court.²⁰

Emergency Evaluation Petition (EP)

Purpose	Petitioner(s)	Relief Offered	Key Considerations
An EP allows a person who appears to have a mental disorder and may be a danger to themselves or others to be taken to the nearest designated emergency facility for evaluation by a physician.²⁵ A physician must evaluate the person within 6 hours, and the person may not be held for more than 30 hours unless they agree to voluntarily admission or meet the criteria below for involuntarily admission. • Has a mental disorder; • Needs inpatient care or treatment; • Presents a danger to the life or safety of themselves or others; • Is unable or unwilling to be admitted voluntarily; and • No less restrictive intervention is available that is consistent with the person's welfare and safety.²⁵	• Licensed health professionals (e.g., physician, psychologist, clinical social worker, counselor, licensed counselor, psychiatric nurse, or marriage and family therapist) who have examined the individual; • Law enforcement officers who have personally observed the individual's behavior; or • Any other interested person (e.g., friend, relative, neighbor, or Mobile Crisis Team) as accepted by court review.²⁵⁻²⁷	• Emergency mental health evaluation. • If legal criteria are met, involuntarily admission to an appropriate psychiatric facility for evaluation and treatment. • For family and others concerned about safety, an EP allows a quick evaluation when a person may be dangerous and refuses voluntary care. Regarding Firearms Access • Law enforcement may remove firearms while serving an EP. • At the civil commitment hearing, the hearing officer may order firearm surrender and prohibit firearm possession only if there is credible evidence that the person is dangerous to others. • If ordered, the individual must: 1. Surrender firearms to law enforcement; and 2. Refrain from possessing firearms unless granted relief under state law.²⁸	• Within 10 days of involuntary admission, a hearing must be held to determine whether continued hospitalization is warranted. • An EP requires a showing of danger to self or others (not necessarily "imminent" danger). Regarding Firearms • EP petition forms ask about the respondent's access to firearms. • Firearms removed during the EP process may be returned upon the patient's release from hospitalization. • If the primary concern is risk of self-harm or harm to others, an ERPO may be sought alongside an EP to provide additional protection by preventing firearms from being returned upon the respondent's release. Clinicians have a "duty to protect" when a patient makes a credible, imminent threat to a specific person or group. Options may include: • Hospitalization/commitment; • Documented safety/treatment plan; and/or • Notifying law enforcement and the intended victim(s).²⁹ An EP may fulfill this duty to protect, whereas other types of orders (e.g., ERPOs, DVPOs) may not.

Where to File, Hearings, and Forms

Extreme Risk Protective Order (ERPO)	Domestic Violence Protective Order (DVPO)	Peace Order	Emergency Evaluation Petition (EP)
Where to File: • No filing fee. • File with the District Court of Maryland. • File with the District Court commissioner when the court is closed.^{2,6} Hearing Locations: • Held in the District Court of Maryland. Minor Respondents: • ERPO petitions and hearings involving minor respondents are filed and heard in District Court. Court Forms: • <u>Petition for ERPO⁷</u> • <u>Description of Respondent⁸</u> • <u>Summary of Respondent's Behavior and Mental Health History⁹</u>	Where to File: • No fee to file. • File at the District Court of Maryland or circuit court. • File with the District Court commissioner when the court is closed.¹⁵ Hearing Locations: • Held in the District Court of Maryland or circuit court. Minor Respondents: • To file a DVPO petition against a minor, contact the <u>Department of Juvenile Services¹⁶</u>. Court Forms: • <u>Petition for Protective Order¹⁷</u> • <u>DVPO Description of Respondent (Addendum)¹⁸</u> DVPO Resources: • <u>How to File for a Peace and Protective Order¹⁵</u> • <u>Resource Directory for Survivors - MNADV</u>	Where to File: • Filing and service fee required—courts may <u>waive the filing fee</u>, but the service fee may still apply. • File with the clerk at a District Court of Maryland; or • File with the District Court commissioner when the court is closed. Hearing Locations: • Held in the District Court of Maryland. Minor Respondents: • To file a Peace Order petition against a minor, contact the <u>Department of Juvenile Services^{17,22}</u>. • Petitions involving minors do not follow standard Peace Order proceedings in the District Court. Instead, they go through a separate juvenile intake process handled by the Department of Juvenile Services.^{17, 22} Court Forms: • <u>Petition for Peace Order²²</u> • <u>Description of Respondent for Peace Order Petitions (Addendum)²³</u> • <u>Supplement Form for Peace Order Petitions²⁴</u>	Where to File: • No filing fee. • Health professionals & law enforcement may give the petition forms to the peace officer transporting the person to the emergency facility. • Other interested persons may file with the District Court of Maryland or circuit court.³⁰ Hearing Locations: • Held in the District Court of Maryland or circuit court with jurisdiction over the case. Minor Respondents: • Minors may be subject to an EP. The process for filing and involuntary admission hearings are the same as for adults. Court Forms: • <u>Petition for Emergency Evaluation³¹</u> • <u>Certifications by Peace Officer or Qualified Person³²</u>



Citations

- * Effective October 1, 2026, pursuant to HB 497, temporary protective orders are effective for up to 14 days after issuance. Final protective order hearings must be held no later than 14 days after the temporary protective order is served on the respondent.
- 1 Maryland ERPO. The National ERPO Resource Center. Accessed October 10, 2025. <https://erpo.org/state/maryland/>
 - 2 Extreme Risk Protective Orders | Maryland Courts. Accessed January 27, 2026. <https://www.mdcourts.gov/district/ERPO>
 - 3 Md Code Ann. Public Safety §§ 5-601-5-609. Extreme Risk Protective Orders. Pages 338-354. https://mgaleg.maryland.gov/2026RS/Statute_Web/gps/gps.pdf
 - 4 Domestic Violence - Protective Orders | Maryland Courts. Accessed February 6, 2026. <https://www.mdcourts.gov/legalhelp/domesticviolence>
 - 5 Domestic Violence - Peace Orders | Maryland Courts. Accessed January 27, 2026. <https://www.mdcourts.gov/legalhelp/peaceorders>
 - 6 How to File for an Extreme Risk Protection Order. Maryland Courts; 2020. <https://www.mdcourts.gov/sites/default/files/court-forms/dcerpo001br.pdf>
 - 7 Petition for Extreme Risk Protection Order (Public Safety Title 5, Subtitle 6) - District Court of Maryland. Maryland Courts; 2022. <https://www.mdcourts.gov/sites/default/files/court-forms/dcerpo001.pdf>
 - 8 Addendum to Petition for Extreme Risk Protective Order (Description of Respondent). 2018. <https://www.mdcourts.gov/sites/default/files/court-forms/dcerpo001a.pdf>
 - 9 Addendum to Petition for Extreme Risk Protective Order Summary of Respondent's Behavior And Mental Health History. Maryland Courts; 2024. <https://www.mdcourts.gov/sites/default/files/court-forms/dcer-po001b.pdf>
 - 10 The National ERPO Resource Center (ERC). Extreme Risk Protection Orders & Domestic Violence Protection Orders: A Side-By-Side Comparison of ERPOs and DVPOs. Published online October 2024. <https://erpo.org/wp-content/uploads/2024/10/Final-ERPO-x-DVPO-Chart.pdf>
 - 11 MD Family Law Code §§4-501-4-516. Domestic Violence. Pages 32-68. https://mgaleg.maryland.gov/2026RS/Statute_Web/gfl/gfl.pdf
 - 12 MD Family Law Code § 14-101. Definitions - Adult Protective Services. Accessed February 13, 2026. <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gfl§ion=14-101>
 - 13 Definition of Terms (for Use with Petition for Protection from Domestic Violence, Child Abuse, and Vulnerable Adult Abuse. Maryland Courts; 2020. <https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv001b.pdf/ccdcdv001b.pdf>
 - 14 Domestic Violence Protective Order Request to Withhold My Address from Public Access (Family Law § 4-504(b)(2)). Maryland Courts; 2022. <https://www.mdcourts.gov/sites/default/files/court-forms/ccdc-dv026.pdf>
 - 15 HB 497, Family Law - Temporary and Final Protective Orders - Duration and Relief, 2026 Reg. Sess. (Md. 2026) (effective Oct. 1, 2026). <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0497/?ys=2026rs>
 - 16 How to File for a Peace and Protective Order Brochure. Maryland Courts; 2025. <https://www.mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdcdvpo001br.pdf/ccdcdvpo001br.pdf>
 - 17 MD Courts and Judicial Proceedings Code §§3-8A-01-3-8A-35. Juvenile Causes - Children Other Than CINAs and Adults. Pages 250-326. https://mgaleg.maryland.gov/2026RS/Statute_Web/gcj/gcj.pdf
 - 18 Petition for Protection from Domestic Violence/Child Abuse/Vulnerable Adult Abuse. Maryland Courts; 2025. <https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdcdv001.pdf/ccdcdv001.pdf>
 - 19 Addendum to Petition for Protective Order (Description of Respondent). Maryland Courts; 2021. <https://www.courts.state.md.us/sites/default/files/court-forms/ccdcdv001a.pdf>
 - 20 MD Courts and Judicial Proceedings Code §§3-1501-3-1510. Peace Orders. Pages 350-368. https://mgaleg.maryland.gov/2026RS/Statute_Web/gcj/gcj.pdf
 - 21 Peace Order Request to Withhold My Address from Public Access (Courts and Judicial Proceedings § 3-1503(c)). Maryland Courts. <https://www.mdcourts.gov/sites/default/files/court-forms/ccdcpo021.pdf>
 - 22 Juvenile Intake Policy & Procedures. Maryland Department of Juvenile Services; 2024. https://djs.maryland.gov/Documents/policies/community/Intake_CS-129-22.pdf
 - 23 Petition for Peace Order (Courts and Judicial Proceedings § 3-1503). Maryland Courts. <https://www.mdcourts.gov/sites/default/files/court-forms/district/forms/peace/dcpo001.pdf/dcpo001.pdf>
 - 24 Addendum to Petition for Peace Order (Description of Respondent). Maryland Courts; 2021. <https://www.mdcourts.gov/sites/default/files/import/courtforms/joint/ccdcpo001a.pdf>
 - 25 Peace Order Supplement. Maryland Courts; 2003. <https://www.mdcourts.gov/sites/default/files/import/district/forms/peace/dcpo001s.pdf>
 - 26 MD Health - General Code §§10-601-10-633. Admission Provisions - Mental Health Law. Pages 458-482. https://mgaleg.maryland.gov/2026RS/Statute_Web/ghg/ghg.pdf
 - 27 Emergency Evaluations | Maryland Courts. Accessed October 24, 2025. <https://www.mdcourts.gov/district/emergencyevaluations>
 - 28 National Alliance on Mental Illness (NAMI) Maryland. Emergency Petition Process in Maryland. Published online January 19, 2022. <https://files.constantcontact.com/1c99d009001/b90aec97-796c-475e-9358-e39cbf23362a.pdf>
 - 29 Relief From Firearms Disqualification. Title 5, Subtitle 1. <https://health.maryland.gov/bha/documents/ps%205-133.3.pdf>
 - 30 MD Courts and Judicial Proceedings Code §5-609. Mental Health Care Providers or Administrators. Page 487-488. https://mgaleg.maryland.gov/2026RS/Statute_Web/gcj/gcj.pdf
 - 31 How to File for an Emergency Evaluation. Maryland Courts; 2023. <https://www.mdcourts.gov/sites/default/files/court-forms/ccdc013br.pdf>
 - 32 Petition for Emergency Evaluation. Maryland Courts; 2020. <https://www.courts.state.md.us/sites/default/files/court-forms/courtforms/joint/ccdc013.pdf/ccdc013.pdf>
 - 33 Certifications by Peace Officer & Other Person Qualified Under HG § 10-622. Maryland Courts; 2020. <https://www.mdcourts.gov/sites/default/files/court-forms/courtforms/joint/ccdc014.pdf/ccdc014.pdf>