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Safety At Work: An Important New Law

by Cynthia L. Golomb

In the wake of the tragedy in Littleton, Colorado and other frightening incidents reported regularly in the news, we should all be concerned about safety in our community. While no single measure can guarantee complete safety, this year the Maryland General Assembly passed legislation that complements current domestic relations law and will significantly enhance the ability of citizens to protect themselves from violence. Governor Glendening signed the legislation into law; it will become effective on October 1, 1999.

The new law, the Peace Order, permits any individual who experiences violent or threatening behaviors from another individual to get specific and immediate relief in the civil justice system. As the first of two steps in this new procedure, a person seeking relief simply goes to the District Court and completes a petition for a temporary peace order. The form for the temporary peace order will be available at the District Court clerk's office. After completing the form, the petitioner will be directed to appear before a District Court judge and present his or her case on the same day as he or she filed the form. If the judge finds reasonable grounds to believe that the respondent committed and is likely to commit in the future certain acts against the petitioner, the judge will grant a temporary peace order. The temporary peace order can require the respondent to refrain from threatening or committing specific acts, from contacting the petitioner, or from entering the residence, place of employment or school of the petitioner.

When the judge issues a temporary peace order, it will be served on the respondent by a law enforcement officer. It is effective for seven days after it is served. Unless continued for good cause, the second step of the procedure—the peace order hearing where both the petitioner and the respondent have an opportunity to be heard before the judge—will be held seven days after the temporary peace order is served on the respondent.

The peace order hearing gives the respondent an opportunity to present his or her side of the story to the judge. At this phase of the proceeding, the petitioner must meet a much higher standard of proof than is required during the temporary peace order hearing to obtain a peace order that may be in effect for up to six months. For a judge to grant a peace order, the petitioner must prove by clear and convincing evidence that the respondent committed and is likely to commit in the future certain acts against the petitioner. In addition to the relief that is available for the temporary peace order, the judge can also direct the parties to partici-



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pate in counseling or, if parties agree, mediation.

What are the acts that enable an individual to petition for relief? The new law lists the following specific acts that are covered by the peace order: an act that causes serious bodily harm; an act that places the petitioner in fear of imminent serious bodily harm; an assault in any degree; rape or sexual offense; false imprisonment; harassment; stalking; trespass; or malicious destruction of property.

The law is intended to cover any individual experiencing violent or threatening behaviors and can have important applications to businesses. For example, many businesses are concerned about security in relation to certain employees who have been dismissed. If a dismissed and disgruntled former employee engages in acts enumerated under the statute, the relief afforded by the new peace order provides a prompt mechanism to reduce tensions experienced by the parties. An individual need not rely exclusively on the frequently crowded and overwhelmed criminal justice system to address legitimate security concerns.

While the respondent who is subject to the peace order will not acquire a criminal record from this proceeding, sanctions for violating a temporary peace order or a peace order can trigger serious consequences. Violation of temporary peace order or peace order may result in contempt, criminal prosecution, imprisonment and/or fine. If there is probable cause to believe that a respondent has violated either a temporary peace order or a peace order, the police are mandated to arrest the respondent with or without warrant.

The addition of the peace order to the Maryland Code will provide citizens with another tool to protect themselves from violence. The peace order will help us all in achieving the goal of creating a safe environment in our communities throughout Maryland.

Cynthia L. Golomb practices family law in Maryland and has represented clients before the Maryland General Assembly since 1994. She can be reached at 410-531-1619.



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