



**Court Watch**  
**MONTGOMERY**  
A Public Eye on Domestic Violence

## A closer look at protective orders in Montgomery County Maryland

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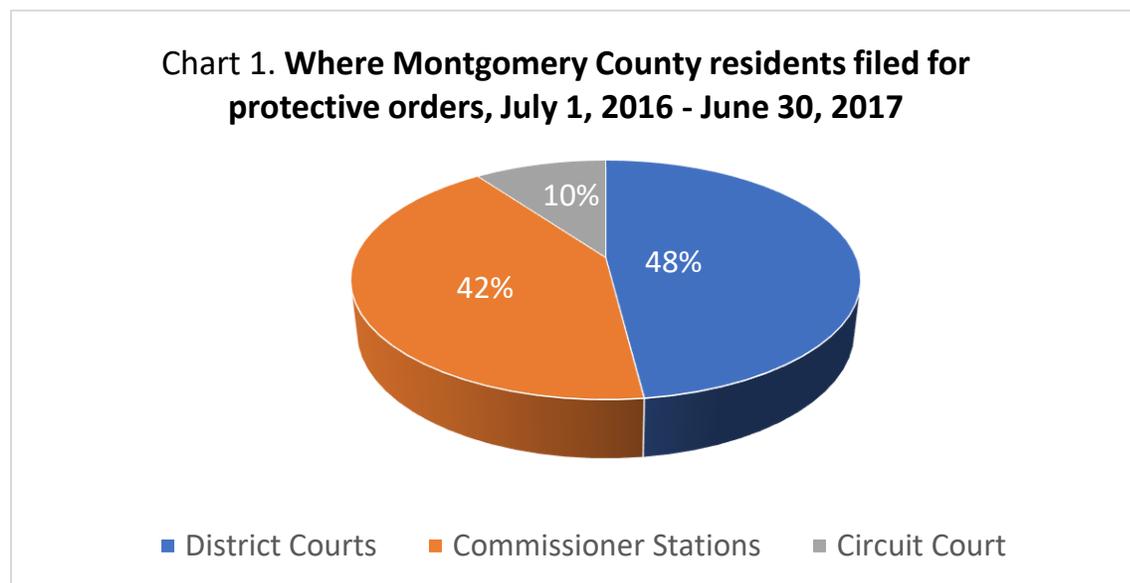
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## A closer look at protective orders in Montgomery County Maryland

Telling the story of who files protective orders in Montgomery County and who ends up with what is harder than it needs to be. Data provided by the Maryland Administrative Office of the Courts is fragmented and difficult to piece together, due to overlapping time periods, very different information in each dataset, and the fact that District Court and Circuit Court do not report on the same measures.

This report combines Maryland judiciary annual statistical reports with District Court monthly domestic violence reports and Court Watch data to attempt to provide a more coherent picture overview.



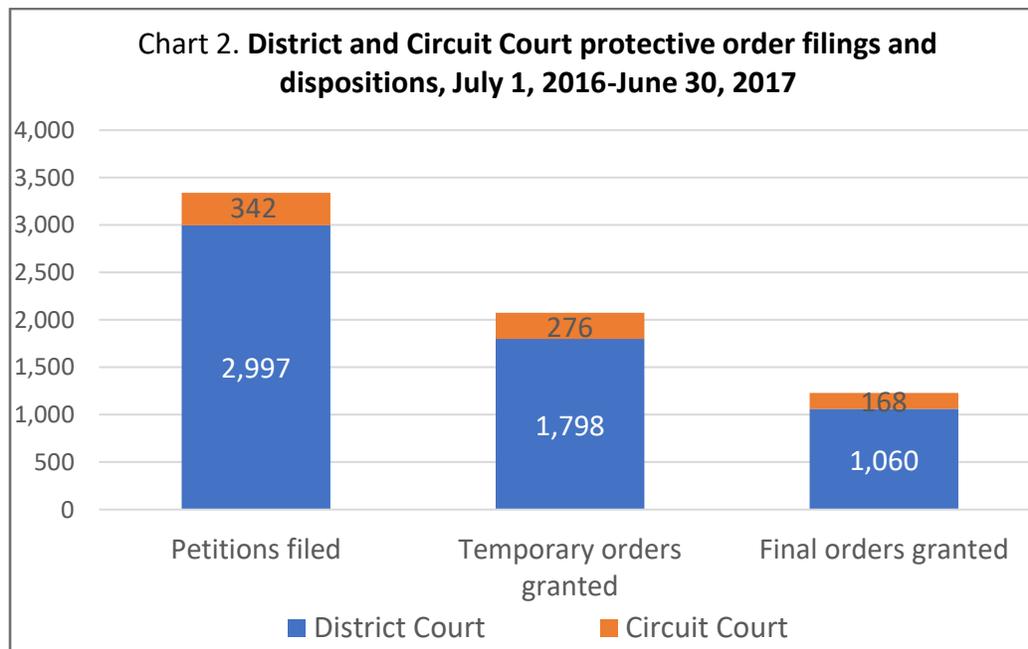
Data drawn from the [Maryland Judiciary 2017 Statistical Abstract](#).

A full 3,273 Montgomery County residents came to local District Courts, the higher Circuit Court, or to Commissioner Stations after court hours or on weekends to request legal protection from an intimate partner or a family member in the one-year period from July 1, 2016 to the end of June 2017. Chart 1 shows the distribution of first contacts with the courts.

### **Denials and Dismissals**

Only about 37% of initial requests ultimately resulted in final protective orders that provided “no contact” for one full year. Chart 2 shows the winnowing effect as orders were either denied or dismissed.

In Montgomery County, in 2017, approximately 10.5% of protective orders were denied. We do not have data, however, on how many were denied at each stage in the process. There is no “perfect” rate of denials – some cases simply don’t fit the statute, and that may vary year to year. Court Watch is careful to track denials of temporary orders, since the standard is very low and if anyone describes abuse or imminent threats they should be receiving a temporary order.



In FY'17 a total of 3,339 protective order petitions were filed; 1,228 (37%) resulted in final orders. [Maryland Judiciary 2017 Statistical Abstract](#).

Petitioners dismissed a full 24.2% of cases, either by asking the judge to drop their case or not showing up in court. It would be very helpful for policymakers and advocates to know what portion of petitioners drop out between the Commissioner Stations and court, and between temporary orders and finals to better understand opportunities to keep these victims in the system to obtain effective protection. We know that at least some petitioners dismiss their orders because they have achieved their goal, such as getting an abusive boyfriend to vacate the apartment.

**Only about 37% of Montgomery County residents who initially requested legal protection ultimately were protected by a “no contact” Final Protective Orders that lasted one full year.**

### **The role of Commissioner Stations**

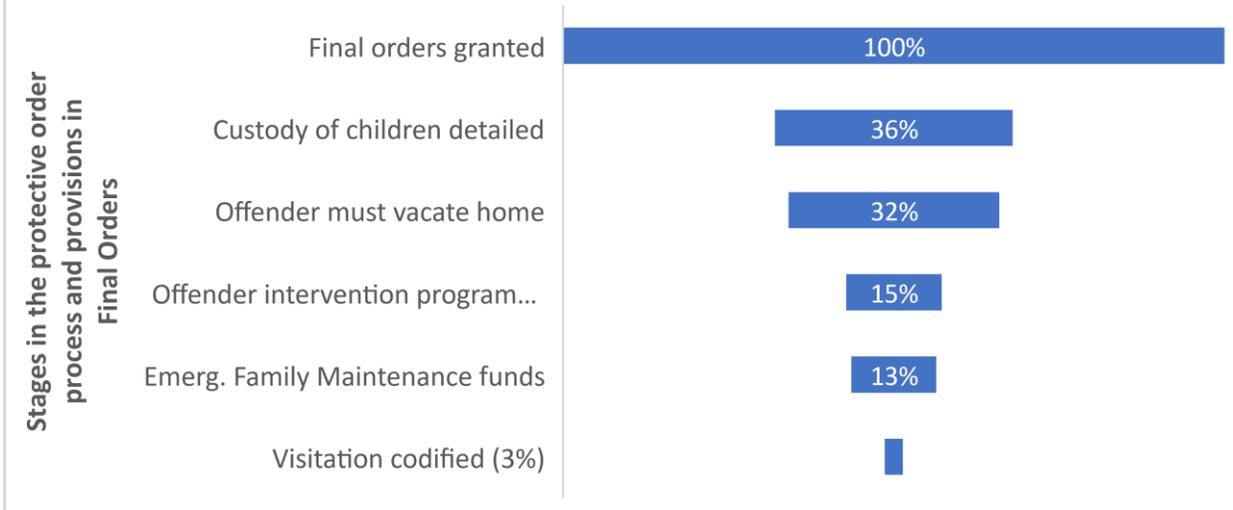
Approximately half of the petitions were filed at a Commissioner Station when the courthouse was closed. None of these 1,382 victims had a chance to tell their story to an advocate, to be assured that someone believed them and wanted to help. None of these 1,382 victims had anyone sit with them and explain the complicated 4-page petition form required by the court. The form is written at a second year of college level – in English. No one explained that the victim could meet a court companion before their hearing who could answer questions and go with them up to the table while they talked to the judge.

For victims who have suffered trauma or traumatic brain injury, it is extremely difficult to focus and understand the petition form without assistance. If their petition has gaps or doesn't state the abuse or imminent threats clearly, it increases the victim's chances of being denied an order, particularly if she does not have an advocate or lawyer with her for her hearings.

### **Needed remedies, protection that works**

Of the residents that did obtain a final protective order few residents received critical remedies in their orders. Although each victims' needs vary, as Chart 3 shows, essential remedies such as emergency financial assistance are granted only rarely. This is in part due to the low rate of legal representation for victims.

**Chart 3. What happens when a Montgomery County resident applies for a protective order at District Court?\***

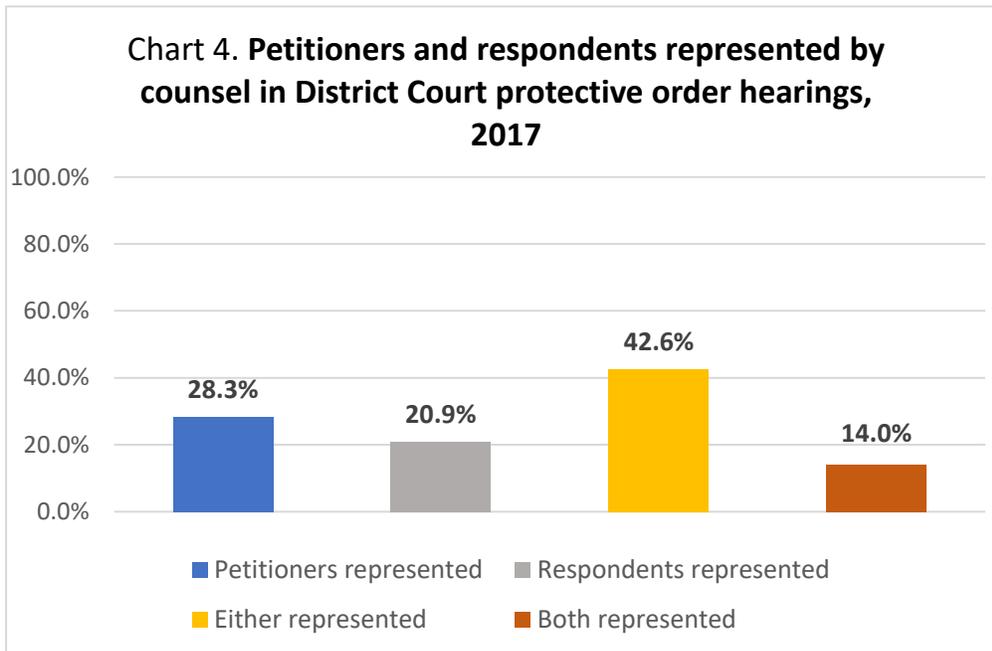


\*Percentages are derived from [Domestic Violence Monthly Reports](#), average of Montgomery County percentages over the 12 months of 2017, and the annual number of interim, temporary and final orders granted from the [Maryland Judiciary 2017 Statistical Abstract](#).

## **Legal representation of petitioners and respondents in Montgomery County, FY'17**

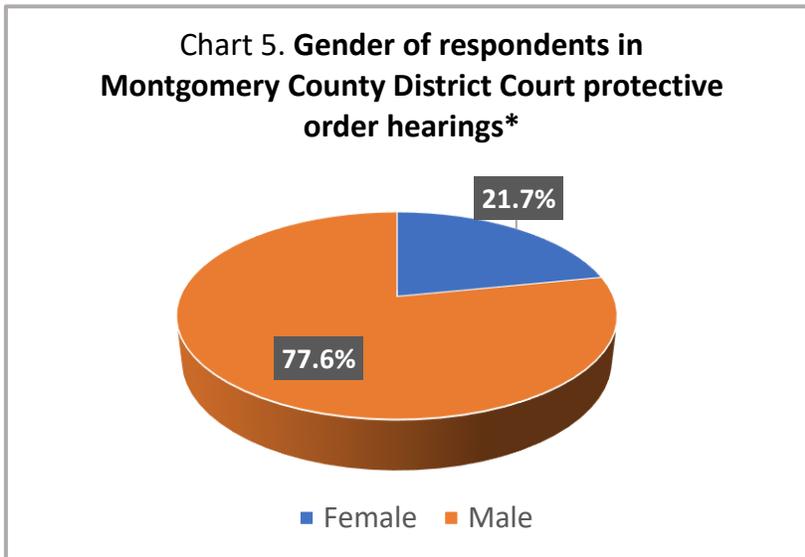
The protective order process was designed to be free and relatively easy for people who needed protection to use. Requiring a petitioner to have counsel would create a significant barrier for victims, especially at the Interim or Temporary stage. Once the petitioner has gotten a temporary order she/he will be informed about the possibility of pro bono counsel. When counsel is not available court-based victim advocates are also available.

The absence of counsel, however, often creates serious problems for petitioners, who are far less likely to be able to fully voice the many services or provisions they may need in their order when they are all alone in front of a judge.



Data source: [Domestic Violence Monthly Reports](#), average of 2017 monthly percentages.

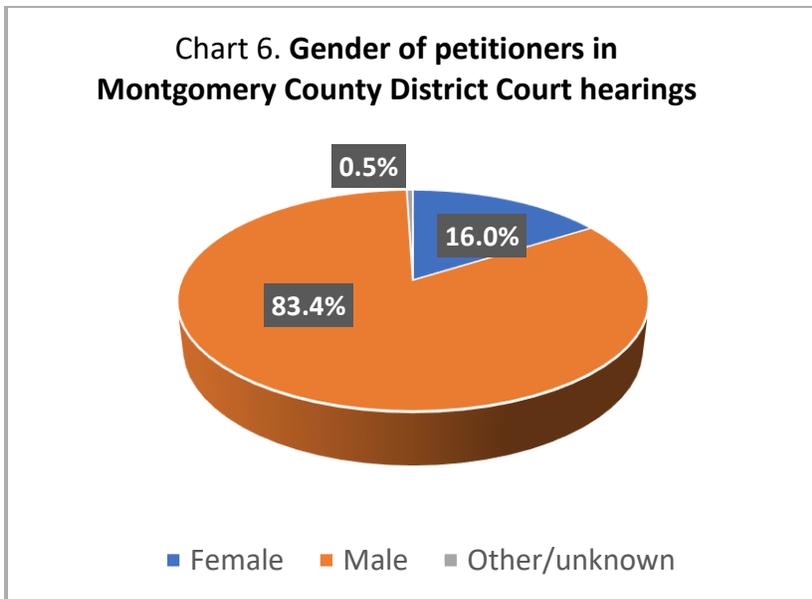
**Demographics of parties filing for protective order protection**



Maryland state courts track the gender of the respondent, but not that of the petitioner.

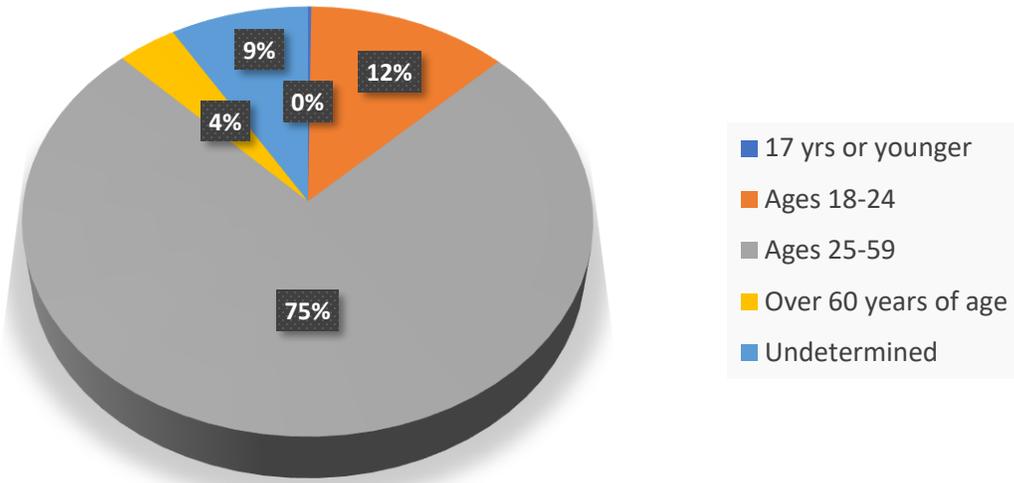
As Chart 1 shows, state data for calendar year 2017 shows that petitioners in Montgomery County filed against males 77.6% of the time, and females 21.7% of the time.

\*Maryland does not offer an “other” category for gender in protective order cases. Data source: [Domestic Violence Monthly Reports](#), average of 2017 monthly percentages.



Data source: Court Watch Montgomery, calendar year 2017 data collected in 1,302 protective order hearings.

**Chart 7. Age of Respondent in Montgomery County District Court protective order cases, 2017**



Data source: [Domestic Violence Monthly Reports](#), average of 2017 monthly percentages.

Maryland’s protective order law protects anyone who has been hurt or assaulted by an intimate partner or family member, or is in imminent threat of bodily harm.

**Table 1. Reasons given for filing District Court protective orders in Montgomery County and Maryland, 2017**

Grounds for Order	County Filers	Maryland Filers
Assault	43.1%	46.0%
Fear of imminent harm	36.8%	37.2%
Caused harm	5.0%	2.1%
Stalking	5.0%	5.4%
False imprisonment	3.7%	2.2%
Mental abuse of a child	3.1%	1.5%
Rape or sexual assault (adult)	2.1%	1.0%
Physical abuse of a child	2.1%	2.8%
Sexual abuse of a child	1.1%	.8%

## **Gaps in data provided by the Administrative Office of the Courts**

Multiple data elements that would be useful for policymakers, data analysts and citizens wishing to hold our courts accountable cost hundreds or thousands of dollars to access through the Administrative Office of the Courts.

Court Watch is requesting that the Administrative Office of the Courts add extremely useful data that do not appear in monthly reports, such as the list of data below to the Data Dashboard so policymakers and citizens can make use of it. Certain other key data may not yet be digitized, such as the number or percentage of petitioners who request emergency financial assistance.

### **A partial list of currently unavailable data from Maryland's Administrative Office of the Courts**

1. The gender of petitioners in protective order cases, by county or state-wide.
2. The relationship between the parties in protective orders (married, divorced, living together, dating, parent).
3. The percentage of final protective order cases in which only the victim has legal representation and percentage of cases in which only the respondent has representation.
4. Denial and dismissal rates at each stage of the process.
5. Summary annual figures of all data in the DV Monthly Reports, including age groups of offenders, grounds for orders, rates at which judges are providing crucial remedies and rates of representation.
6. Regular annual comparisons between counties, by percentage of key practices.

**The Maryland Administrative Office of the Courts (AOC) collects a great deal of important data on domestic violence protective order and criminal cases in Maryland. Only a very small amount of it is available to the public.**

**Substantially more court data would be extremely useful to policymakers, data analysts and citizens wishing to hold our courts accountable.**

## **Conclusion**

To expand justice for domestic violence victims more data is needed so that communities and policymakers can make data-driven decisions to better serve victims. More data will allow us to better identify where innovative practices are working and where there are problems areas.