

The Sun

Law officials preparing for the rush; New rule broadening restraining orders in effect next week; 'It's impossible to predict'; Increase in filings, petitions and time in court expected

by Mike Farabaugh SUN STAFF

September 24, 1999 Page(s): 1C

Edition: CARROLL

Section: LOCAL

Length: 855 words

Index Terms:

Carroll County

Record Number: 9909240261

A new law that will expand the number of people subject to restraining orders takes effect next week, and law enforcement officials say they are preparing for a rush of petitions.

The law, passed by the state General Assembly in April and signed by Gov. Parris N. Glendening, was designed to bring previously excluded incidents involving boyfriend-girlfriend relationships within the scope of the court's protective order laws.

It could enable anyone who fears bodily harm by another person to ask the court for a peace order, barring the offender from coming near with the threat of immediate arrest. Previously, only domestic violence situations were covered.

Authorities are unsure how many citizens -- disgruntled neighbors arguing over trespassing, for instance -- will rush to District Court to seek legal protection.

"It's impossible to predict how many will file petitions for peace orders," said Martha F. Rasin, chief judge of the District Court of Maryland. "I do know that many of our judges are expecting a real increase in filings."

Charles Crossley, sheriff of Queen Anne's County and president of the Maryland Sheriff's Association, said most members of the association expect a significant increase in serving court papers "based on the number of calls we receive from people seeking protection from a stranger, a neighbor, a friend or acquaintance."

Judges must hold emergency hearings on each petition filed, and a petitioner needs only to convince a judge that there is good reason to believe a dispute might escalate. If convinced, the judge would grant a temporary peace order, good for seven days, or as soon as both parties could be summoned to court for a hearing.

Currently, temporary protective orders are called "ex parte" orders and only apply to domestic violence situations. Ex parte orders may only be sought by those who are married to, or live with an alleged offender, or share a child with the alleged offender.

Peace orders extend that scope to cover soured boyfriend-girlfriend relationships, in which one person might harass, stalk or assault the other. And they reach far beyond, covering situations such as those that might arise between strangers or friends.

Disputes over property-line problems or noise can often escalate to a point where one neighbor threatens to harm the other.

Peace orders do not preclude seeking criminal charges, which could take months to come to trial, but they offer a rapid legal recourse to victims of physical harm or intimidation. Victims have 30 days to ask for a peace order.

A peace order is good for seven days, allowing time for both parties to be summoned into District Court, where a judge might have to delay scheduled criminal and civil cases to hear the matter.

Peace orders might affect a judge's time and the court schedule, but they also could affect the District Court clerks who must handle any increase in walk-in petitioners, Rasin said.

"Clerks may not give legal advice, so training them on how to assist the public without swaying a person can be a tricky issue," Rasin said.

Attempting to serve a summons for each peace order granted by the court will also place a strain on sheriff's deputies, who must track down the alleged offender, said Col. Robert Keefer, chief deputy in Carroll County.

"We must serve 'ex partes' within five days so the person can be in court within seven days," Keefer said. "I presume the same time restraint will apply to peace orders."

Like Rasin, Keefer was uncertain how many peace orders will have to be handled when the law takes effect, but he said his office was expecting "a big hit."

If a "permanent" peace order is granted after the initial hearing on the temporary order, it would be good for six months.

Peace orders would cover such acts as assault, sexual offenses, false imprisonment, harassment, stalking, trespassing, malicious destruction of property, or any act that causes serious bodily harm or makes a person fear imminent bodily harm.

For the duration of the peace order, the alleged offender must refrain from threatening or committing such acts, end all contact with the accuser and stay away from the accuser's house, workplace or school. The offender may also be required to seek counseling, mediation and pay court fees as well as the cost of the filing.

Violators of peace orders are subject to immediate arrest and could be fined up to \$1,000 and imprisoned for 90 days, said Jerry F.

NewsBank, inc.

Barnes, state's attorney for Carroll County.

Barnes said he also expects a substantial increase in peace order petitions as soon as the law takes effect.

"I expect peace orders are going to greatly increase the amount of bench time for every District Court judge," Barnes said.

Copyright 1999 The Baltimore Sun Company