

## **What is the legal definition of domestic abuse in Maryland?**

This section defines domestic abuse for the purposes of getting a protective order (also known as a "domestic violence protective order," or "DVPO").

Maryland law defines "abuse" as when someone with whom you have a **specific relationship** commits one of the following against you:

- assault in the **1<sup>st</sup> degree** or **2<sup>nd</sup> degree**;
- an act that places you in fear of immediate serious bodily harm or actually causes you serious bodily harm;
- rape in the **1<sup>st</sup> degree** or **2<sup>nd</sup> degree**;
- attempted rape (in any degree);
- sexual offense in the **3<sup>rd</sup> degree** **4<sup>th</sup> degree**;
- attempted sexual offense (in any degree);
- **stalking**; or
- false imprisonment (such as holding you somewhere against your will).<sup>1</sup>

If the abused person is a **child**, s/he can **also get** a domestic violence protective order based on "abuse of a child," which is defined as:

1. sexual abuse of a child (by anyone), whether physical injuries are sustained or not; or
2. the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:
  - a parent;
  - a household member or family member;
  - a person who has permanent or temporary care or custody of the child;
  - a person who has responsibility for supervision of the child; or
  - a person who, because of the person's position or occupation, has authority over the child.<sup>2</sup>

If the abused person is a **vulnerable adult** (someone who lacks the physical or mental capacity to provide for his/her daily needs), s/he can **also get** a domestic violence protective order based on "abuse of a vulnerable adult," which is defined as:

- physical injury caused by any person (regardless of their relationship). The physical injury can happen as the result of cruel or inhumane treatment or as the result of a malicious act.<sup>3</sup>

<sup>1</sup> MD Code, Fam. Law § 4-501(b)(1)

<sup>2</sup> MD Code, Fam. Law §§ 4-501(b)(2); 5-701(b)

<sup>3</sup> MD Code, Fam. Law §§ 4-501(b)(3); 14-101(b),(q)