

# ASSESSING PROTECTION FROM ABUSE ORDERS IN MAINE

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# ACKNOWLEDGEMENTS

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# EXECUTIVE SUMMARY

A protection from abuse order (PFA) is a civil court order, signed by a judge, which is designed to protect a victim of domestic abuse by prohibiting the abuser from continuing to harass, threaten, stalk, injure, or otherwise communicate with the victim. PFA orders aim to swiftly reduce the abuser's access to the victim(s) while also addressing a broad range of supports for the petitioning victim, such as parental rights and responsibilities, custody/visitation, economic support, and firearm relinquishment.

Although the Maine Judicial Branch's electronic case management system collects some data about the relief that is ordered by the court, certain details are not available through this system. Accordingly, the Maine Statistical Analysis Center (SAC), in partnership with the Maine Coalition to End Domestic Violence (MCEDV), sought and received Department of Justice, Bureau of Justice Statistics funding to visit each district court and manually review and digitally scan 2023 PFA files in order to study various relief types. The study's specific research questions and methodology are further detailed in the report. Maine SAC researchers generated a dataset of 2,079 cases, which accounts for 91% of all 2023 PFA cases in which a final order was issued. This report summarizes the findings.

## KEY FINDINGS

The majority of final 2023 PFA orders were filed against an intimate partner (77%), were for exactly 24 months (66%), and were determined by agreement (59%), meaning the plaintiff and defendant agreed upon the provisions contained in the final order prior to a court hearing. Additional findings include:

- Across the state, the vast majority of firearm relinquishment orders specify law enforcement as the receiving party.
- Final orders determined by agreement of both parties are less likely to include firearm relinquishment provisions than orders determined by a judge.
- Firearm relinquishment is also influenced by court region.
- Custody provisions were closely associated with parties agreeing to the terms of an order prior to the final hearing.
- *Paragraphs T. It is further ordered and P. Limits to the defendant's rights of contact* are frequently being used to address reliefs that appear elsewhere on the form.

# INTRODUCTION

The state of Maine recognizes domestic abuse as a serious crime, affecting not only the immediate victim but greater society as well. Protection from abuse orders (PFAs) are one means by which the State attempts to alleviate the harms caused by this type of abuse. A PFA is a civil court order, signed by a judge, which is designed to protect a victim of domestic abuse by prohibiting the abuser from harassing, threatening, stalking, injuring, or otherwise communicating with the victim. Further, Maine statutes recognize that effective responses to domestic abuse include not just swiftly reducing an abuser's access to victims but addressing related issues, such as parental rights and responsibilities, custody/visitation, economic support, and firearm relinquishment.

These issues are frequently addressed in all 25 district courts across the state of Maine.<sup>1</sup> Although the Maine Judicial Branch's electronic case management system collects some data about the relief that is ordered by the court, certain details are not available through this system and can only be accessed through a manual review of each physical case file. This is labor-intensive work. In order to fund it, the Maine Statistical Analysis Center (Maine SAC), which works with justice-related information to conduct analyses and inform policy in Maine, requested and received funding through a grant issued by the U.S. Department of Justice's Bureau of Justice Statistics. This report is a summary of the Maine SAC's activities under this grant.

## RESEARCH QUESTIONS AND PROJECT DESIGN

The primary research questions that guided the Maine SAC's research included:

1. What is the median length of the final order being issued?
2. How often are courts ordering firearms to be relinquished to third parties (in temporary orders; in final orders) and in what context?
3. How often are parental rights being addressed in protection orders?
4. What is the frequency that supervised visitation is ordered?
5. How are courts utilizing (or not) the relief available in the protection order statute and how often are economic issues/needs being addressed (spousal support, restitution, transitional living expenses, etc.)?

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1. Maine has 27 district courts. However, Madawaska and Millinocket PFA cases are filed in Fort Kent and Lincoln, respectively. Therefore, those PFAs were included in the report with those district courts.

To conduct this study, researchers visited each of Maine's 25 district courts handling PFA cases and manually reviewed each 2023 PFA case to determine whether a final order had been issued. If a final order had been issued, researchers collected information relevant to the study from the original complaint and temporary protection order as well as used optical mark recognition software to scan each final 2023 PFA file. While data collection procedures are further described in the methodology section, the above process generated a dataset of 2,079 cases, which accounts for 91% of all 2023 PFA cases in which a final order was issued.<sup>2</sup>

This study was conducted in partnership with the Maine Coalition to End Domestic Violence (MCEDV) and with the cooperation of the Administrative Office of the Courts and clerks and court staff at each of the 25 district courts.

## PROTECTION FROM ABUSE ORDERS

The protection from abuse order (PFA) process is initiated when an individual seeks relief by filing a complaint alleging the type of abuse or conduct covered under Maine law. If authorized by the court to proceed, the clerk of the court determines where the defendant is likely located, issues a summons, and the appropriate law enforcement agency serves the defendant personally with a **temporary order**, a summons, and the complaint. Within 21 days of the complaint's filing, a hearing must be held, and the plaintiff must prove their allegations. If a request for a temporary protection order is denied by the court, a hearing must be held if the plaintiff requests it. The court may grant a **final protection order** if it finds that the defendant committed abuse.

The statute makes multiple types of relief available to plaintiffs based on findings related to the physical safety of the plaintiff or a minor child living in the household, economic abuse, and the possession of a firearm or other dangerous weapon. These additional reliefs may be granted in final protection orders; firearm relinquishment may also be granted in temporary orders.

A final protection order cannot exceed 2 years, unless extended by the court. Upon motion of the plaintiff and at the time of its expiration, the court may extend a final protection order for as long as the court determines necessary to protect the plaintiff or minor child(ren) from abuse or conduct. A final protection order may be extended more than once.

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2. See Methods section for more details about why some files were not included in the study.

## TITLE 19-A: DOMESTIC RELATIONS, CHAPTER 103: PROTECTION FROM ABUSE

Maine's Protection from Abuse statute (Title 19-A, Chapter 103), lays out six purpose areas and requires the court to liberally construe and apply the entire statute to promote these purposes. They are:

1. **Recognition.** To recognize domestic abuse as a serious crime against the individual and society, producing an unhealthy and dangerous family environment, resulting in a pattern of escalating abuse, including violence, that frequently culminates in intrafamily homicide and creating an atmosphere that is not conducive to healthy childhood development;
2. **Protection.** To allow family and household members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the non-abusing family or household members are as secure and uninterrupted as possible;
3. **Enforcement.** To provide protection by promptly entering and diligently enforcing court orders that prohibit abuse and, when necessary, by reducing the abuser's access to the victim and addressing related issues of parental rights and responsibilities and economic support so that victims are not trapped in abusive situations by fear of retaliation, loss of a child or financial dependence;
4. **Prevention.** To expand the power of the justice system to respond effectively to situations of domestic abuse, to clarify the responsibilities and support the efforts of law enforcement officers, prosecutors and judicial officers to provide immediate, effective assistance and protection for victims of abuse and to recognize the crucial role of law enforcement officers in preventing further incidents of abuse and in assisting the victims of abuse;
5. **Data collection.** To provide for the collection of data concerning domestic abuse in an effort to develop a comprehensive analysis of the incidence and causes of that abuse; and
6. **Mutual order.** To declare that a mutual order of protection or restraint undermines the purposes of this chapter.

Source: <https://legislature.maine.gov/statutes/19-A/title19-Asec4101.html>

# METHODS

In order to answer the protection from abuse order research questions, the Maine SAC research team worked with MCEDV and the Administrative Office of the Courts (AOC) to develop data collection processes. This included protocols for scheduling court visits to Maine's 25 district courts, file reviewing, file scanning, and secure data storage. At the start of the project, the Administrative Office of the Courts provided a list of all PFA docket numbers that originated in 2023 as well as the total number of final orders issued from each court.<sup>3</sup> Researchers used this list of docket numbers to determine which case files to manually review to determine whether they contained a final PFA order. Files with a final PFA order were then examined and relevant information was collected from them.<sup>4</sup>

## DATA COLLECTION

Researchers examined each eligible file, including the original complaint, any temporary orders, and the final order. Data were collected from each of these file components. The data points collected were determined in collaboration with MCEDV and align with the study's research questions.

The complaint was used to identify the relationship between the plaintiff and defendant. In total, there are 16 possible relationship categories listed on the complaint, and a plaintiff can select as many as apply. For purposes of this study, the 16 categories were grouped into three relationship types: intimate partner, other family/household member, and statutory expansion.<sup>5</sup> These groups were classified as follows:

- Records were classified as **intimate partner** if at least one relationship type indicated that the plaintiff and defendant had a prior or current partner or dating relationship (i.e., *spouse, former spouse, father/mother of my child(ren), former or present sexual partner, and dating partner*).
- Records were classified as **other family/household member** if *minor child of a household member* was selected or if *relative or formerly or presently living together* were selected and the record had not been classified as intimate partner.
- The remaining records were classified as **statutory expansion** which includes *victim of defendant's sexual assault, victim of defendant's stalking, etc.*

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3. In Maine, there are two types of protection orders a plaintiff can file for: protection from abuse and protection from harassment. This research solely examined protection from abuse filings.

4. In instances where more than one final order was present (i.e., amended orders), the most recent final PFA was scanned.

5. For the list of relationship categories that appear in the complaint, see *Appendix A1*; in the few instances where no relationship category was selected, the complaint's narrative was examined to determine relationship type.



Temporary orders were reviewed to determine whether they included firearm relinquishment provisions and, if so, to whom the firearm would be relinquished (i.e., a law enforcement agency or another individual).

From the final order, data about determination type (i.e., determined by agreement of both parties or after a hearing), order length, firearm relinquishment, custody provisions, animal care, and monetary relief were collected. To collect this information, each final PFA was scanned. If the file contained more than one final order—for instance, in cases where final orders were amended—the most recent order was scanned. The Maine SAC utilized Remark software, which “read” the scans and populated the dataset. While this method was timesaving, there were layout inconsistencies across forms which interfered with Remark’s ability to accurately read each scan. Therefore, all final PFAs processed with Remark were manually reviewed to ensure the data was accurately translated.

For PFA cases initiated in 2023, two versions of final orders were available for use: one version dated 2021 and the other version dated 2023. Both versions were programmed for use with Remark. However, in rare instances, the final order used a newer, 2024 version of the form. For these few instances, the relevant data points were manually entered into the dataset.

## LIMITATIONS

There are several limitations to this study. First, datapoints obtained from the complaint and temporary order are limited to only those cases which resulted in a final order and therefore cannot be generalized to all cases. For instance, this study found that for filings that resulted in a final protection order, 69% of temporary orders contained firearm relinquishment provisions, but because the study did not attempt to establish a rate for cases that did not result in a final protection order, the true rate of firearm relinquishments across all temporary orders could be higher or lower.

Because each file needed to be manually reviewed to determine whether it included a final PFA, there was the small risk of a final PFA not being identified by researchers and thus incorrectly omitted from the study. Furthermore, not all PFA files were easily located. For instance, a PFA file may have been actively in use by court personnel and therefore not available to researchers at the time of visit. Additionally, in some district courts it was common for PFA files associated with active family court cases (e.g., divorce, child custody, etc.) to be kept with the family case files rather than the PFA files. Given these factors, researchers aimed to scan at least 85% of the total number of final PFAs provided by the court (Table 1), with most courts exceeding that threshold.<sup>6</sup>

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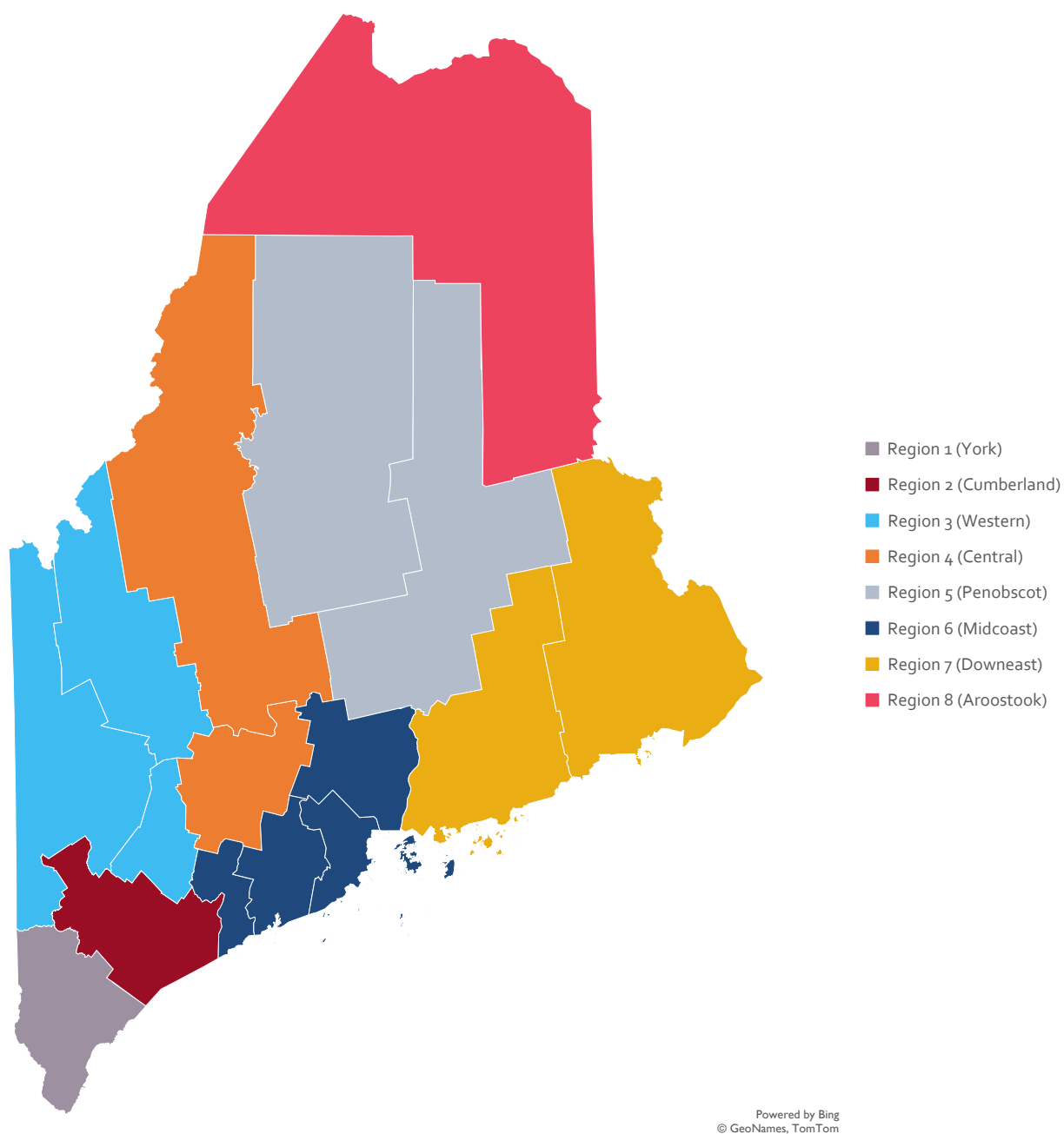
6. The figures provided by the AOC represent final PFA orders at the time the data were queried (May 2024) and therefore exclude any cases initiated in 2023 in which a final was ordered after May 2024. Consequently, the number of final PFAs in the Calais District Court was higher than the number identified by the AOC. Additionally, there were instances where all files were present, and each file was reviewed multiple times yet the total number of final PFAs identified was lower than the number provided by the AOC.

Finally, given the scope of this research project, there are additional datapoints on the form that were not examined and, therefore, are not addressed in this report. Likewise, these findings pertain to PFA cases initiated in 2023 and they may or may not align with previous or subsequent years of data.

Court Region & Name		Final PFAs Scanned	Total Final PFAs (AOC)	% Final PFAs scanned
Region 1 (York)	Biddeford District Court	245	284	86%
	Bridgton District Court	57	62	92%
Region 2 (Cumberland)	Portland District Court	201	231	87%
	Farmington District Court	53	55	96%
Region 3 (Western)	Lewiston District Court	248	254	98%
	Rumford District Court	55	57	96%
	South Paris District Court	63	63	100%
	Augusta District Court	130	146	89%
Region 4 (Central)	Skowhegan District Court	117	135	87%
	Waterville District Court	140	157	89%
	Bangor District Court	154	183	84%
Region 5 (Penobscot)	Dover-Foxcroft District Court	23	26	88%
	Lincoln District Court	33	34	97%
	Newport District Court	65	71	92%
	Belfast District Court	74	81	91%
Region 6 (Midcoast)	Rockland District Court	64	68	94%
	West Bath District Court	87	97	90%
	Wiscasset District Court	52	61	85%
	Calais District Court	13	12	108%
Region 7 (Downeast)	Ellsworth District Court	56	57	98%
	Machias District Court	23	27	85%
	Caribou District Court	23	23	100%
Region 8 (Aroostook)	Fort Kent District Court	32	33	97%
	Houlton District Court	31	35	89%
	Presque Isle District Court	40	44	91%
TOTAL		2,079	2,296	91%

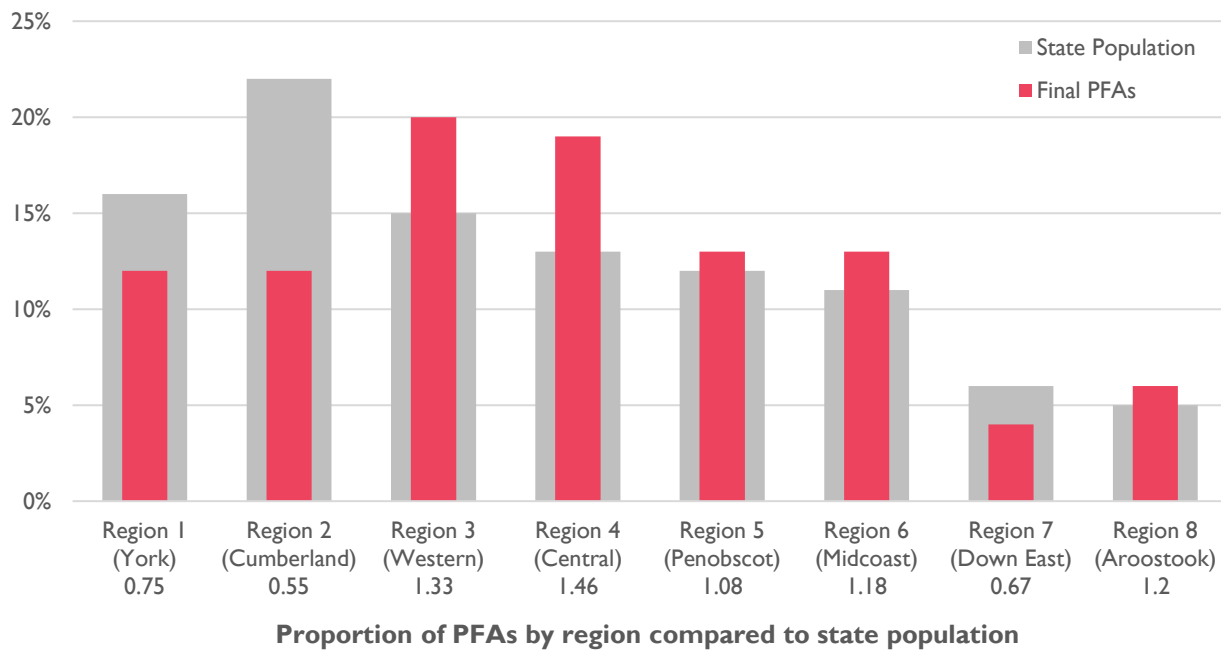
# ANALYSIS

The state of Maine has 8 court regions with 27 district courts spread across these regions.<sup>7</sup> Each region is divided along county lines, as shown in the map below, with all but three containing more than one county.



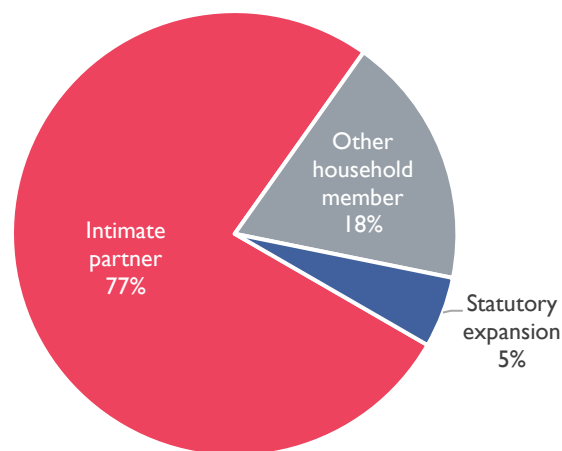
7. Of Maine's 27 district courts, 25 handle PFA cases; to see a list of those specific courts by each region, see Table 1 in the *Methods* section.

In total, Maine SAC researchers identified 2,079 files with final PFAs that originated in 2023. Nearly 40% of all final PFAs came from just two regions: Region 3 (20%) and Region 4 (19%). It should be noted that these rates do not follow general population patterns. For instance, Regions 3 and 4 hold 15% and 13% of the state's population, respectively. This disproportion can be represented numerically by calculating the relative rate (i.e., dividing the population rate by the final PFA rate for each district). These relative rates, which are shown beneath the region name in the chart below, range from a low of 0.55 (Region 2) to a high of 1.46 (Region 4).

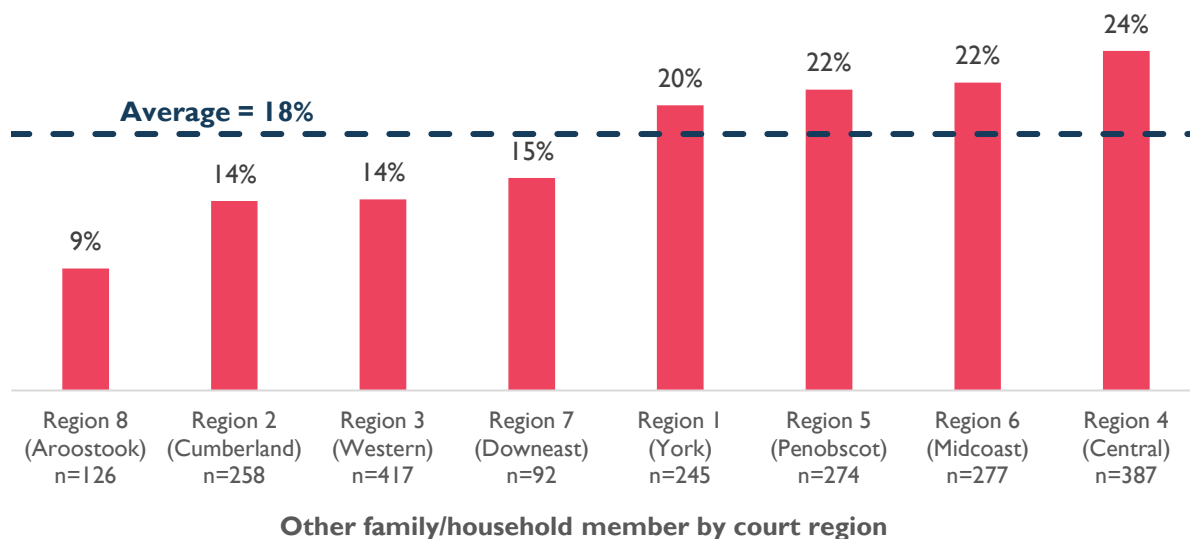


## RELATIONSHIP TO OFFENDER

Information about the plaintiff's relationship to the defendant was collected from the initial complaint. As detailed in the *Methods* section, there were 16 possible relationship categories listed on the complaint and researchers grouped these into the following three relationship types: *intimate partner*, *other family/household member*, and *statutory expansion*.<sup>8</sup>



Researchers found *intimate partner* was the most frequent relationship type, accounting for over three-quarters (77%) of cases. About one in five cases (18%) were *other family/household members*, while only 5% of relationship types fell within the *statutory expansion* category. Relationship to defendant rates differed by court region with other family/household member ranging from 9% in Region 8 to 24% in Region 4.<sup>9</sup> Unfortunately, because relationship information was only collected for cases that resulted in a final PFA, it is unknown whether the differences are due to some regions having an overall higher proportion of plaintiffs requesting PFAs against other family/household members or are instead due to certain regions being more (or less) willing to issue final PFAs against non-intimate partners.

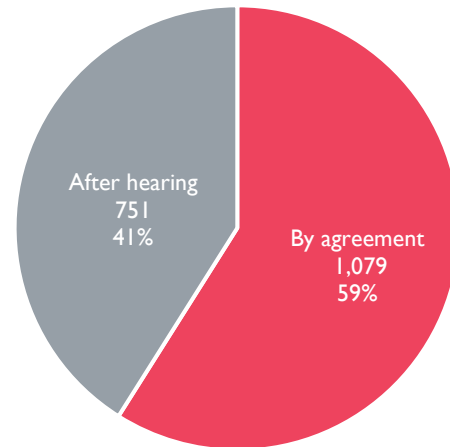


8. Relationship to offender percentages exclude cases in which the original complaint could not be located (n=3).

9.  $\chi^2 (7) = 32.570$ ,  $p < .001$ , Cramer's  $V = .125$ ,  $n = 2,076$

## FINAL ORDER DETERMINATION TYPE

Final PFA orders specify the types of relief that will be granted to the plaintiff, and these final orders are determined in one of two ways: *by agreement* or *after hearing*. **After hearing** indicates that the judge has decided on the conditions outlined in the final order, while **by agreement** means that, prior to the hearing, the plaintiff and defendant agreed upon the provisions contained in the final order and the judge subsequently signed off on the agreed terms and conditions. This process typically occurs during negotiations with counsel and/or advocates assisting the parties in coming to an agreement. Overall, 59% of final PFA orders were reached by agreement, and the remaining 41% were determined after a hearing.<sup>10</sup> These rates did not vary by court region.

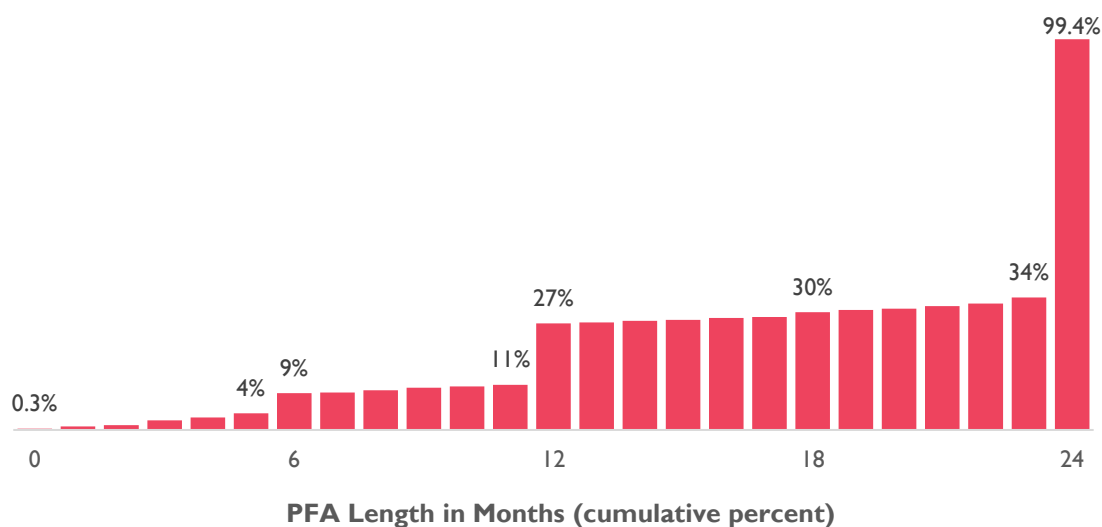


## FINAL ORDER LENGTH

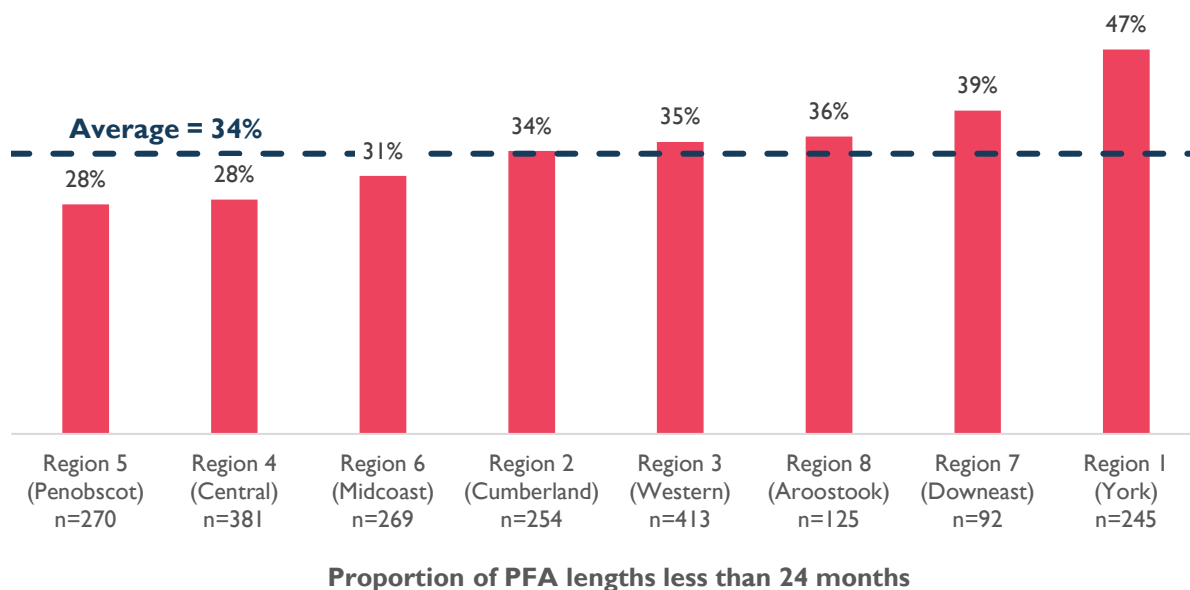
When looking at order length, it is important to note that final protection orders can be granted for up to two years. The exception to this is when, upon the expiration of a previously established final order, the plaintiff requests an extension. Extensions can be granted for any length of time, and more than one extension can be granted.

Keeping these factors in mind, the length of final orders ranged between 14 days to 180 months (15 years) and the median length was 24 months. The chart on the following page shows protection order length as a cumulative percentage, which means it shows the accumulation of percentages as months are added sequentially. For instance, 9% of final PFA lengths were between 0 and 6 months while 27% were between 0 and 12 months. As can be seen in the chart on the following page, there are sharp increases at 6 months, 12 months, and 24 months. In summary, approximately two-thirds of PFAs (66%) had an order length of exactly 24 months, a third (34%) were for less than 24 months, and only 0.6% were for greater than 24 months.

10. *After hearing* and *by agreement* information was missing in approximately 12% of final protection order cases (n=249); cases in which this information was missing are excluded from percentages.



To identify differences in order lengths, researchers examined the proportion of final orders lasting less than 24 months, which moderately varied by court region.<sup>11</sup> As shown in the chart below, Region 1's rate (47%) was statistically higher than the rates of other regions, indicating that Region 1 was more likely to issue shorter PFA lengths than the rest of the regions. Meanwhile, the rates for Regions 4 and 5 (both 28%) were lower, meaning these regions were more likely to issue PFAs that are exactly 24 months.



11.  $\chi^2 (7) = 29.824, p < .001$ , Cramer's  $V = .121, n = 2,049$ ; cases in which order length was greater than 24 months ( $n=12$ ) were excluded from this analysis.

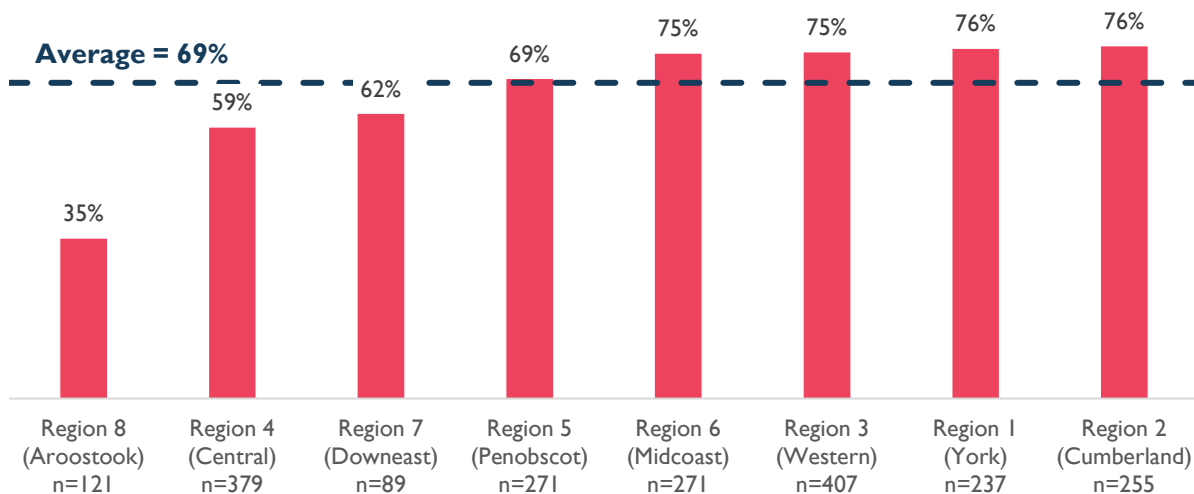
## FIREARM RELINQUISHMENT

Temporary and final PFA orders can direct defendants to relinquish any firearms and other types of dangerous weapons, regardless of whether a defendant possesses any firearms and/or weapons. The order will also specify whether the firearm should be surrendered to law enforcement or another individual (e.g., family member, friend, etc.) and defendants are prohibited from possessing those weapons for the duration of the order. This section will discuss firearm relinquishment in both the temporary and final PFAs as well as examine characteristics associated with firearm relinquishment.<sup>12</sup>

### TEMPORARY ORDER

Researchers reviewed each case with a final PFA order to determine whether the case included a temporary order requiring the defendant to relinquish firearms and, if so, whether it specified surrender to law enforcement or another individual. Of those cases, 69% of the temporary orders required firearm relinquishment, and 94% of the relinquishments specified law enforcement as the receiving party.<sup>13</sup> The remaining 6% of temporary orders did not specify to whom the firearm should be relinquished—i.e., the information was left blank.

The percentage of temporary PFAs that resulted in a final PFA requiring firearm relinquishment varied significantly by court region.<sup>14</sup> As shown in the figure below, Region 8's rate (35%) was nearly half the average rate (69%) and 41 percentage points lower than the regions with the highest rates (Regions 1 and 2).



Temporary PFA firearm relinquishment by court region

12. Firearm relinquishment language as it appears on temporary and final orders can be found in *Appendix A2*.

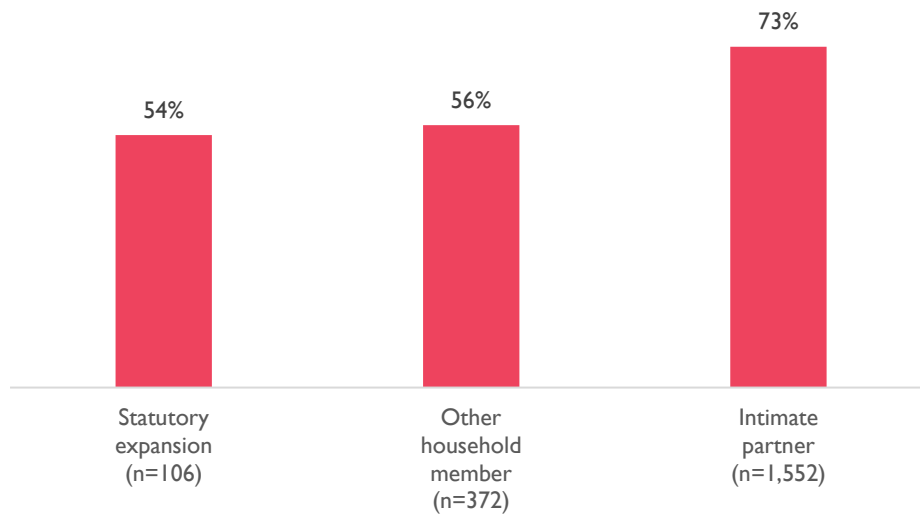
13. Temporary firearm relinquishment percentages exclude cases where the temporary order was denied or could not be located (n=49).

14.  $\chi^2 (7) = 109.683$ ,  $p < .001$ , Cramer's  $V = .232$ ,  $n = 2,030$



Firearm relinquishment in temporary PFAs also varied by the plaintiff's relationship to the defendant, with *intimate partner* cases having a statistically higher rate of firearm relinquishment (73%) than *other family/household members* and *statutory expansion* cases (56% and 54% respectively).<sup>15</sup> However, as indicated by the strength of the association (i.e., Cramer's V), the relationship to defendant association was weaker than the court region association.

**Temporary PFA relinquishment by relationship type**

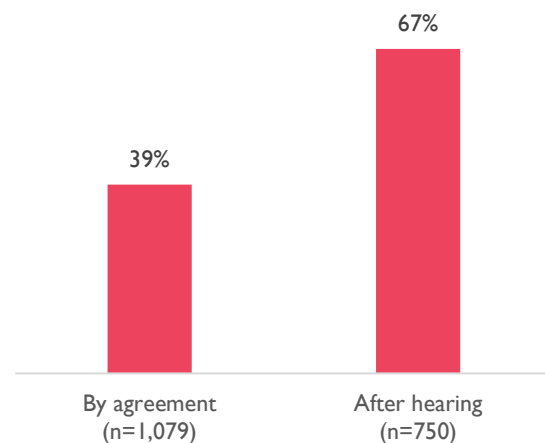


## FINAL ORDER

Approximately 50% of final PFA orders directed defendants to relinquish their firearms and/or other dangerous weapons. Of those orders, 82% specified that the weapons should be relinquished to law enforcement, 16% did not specify any party, and 2% specified another individual. In the overwhelming majority of cases in which another individual was specified (17 out of 21), the conditions of the order were reached by agreement rather than by hearing.

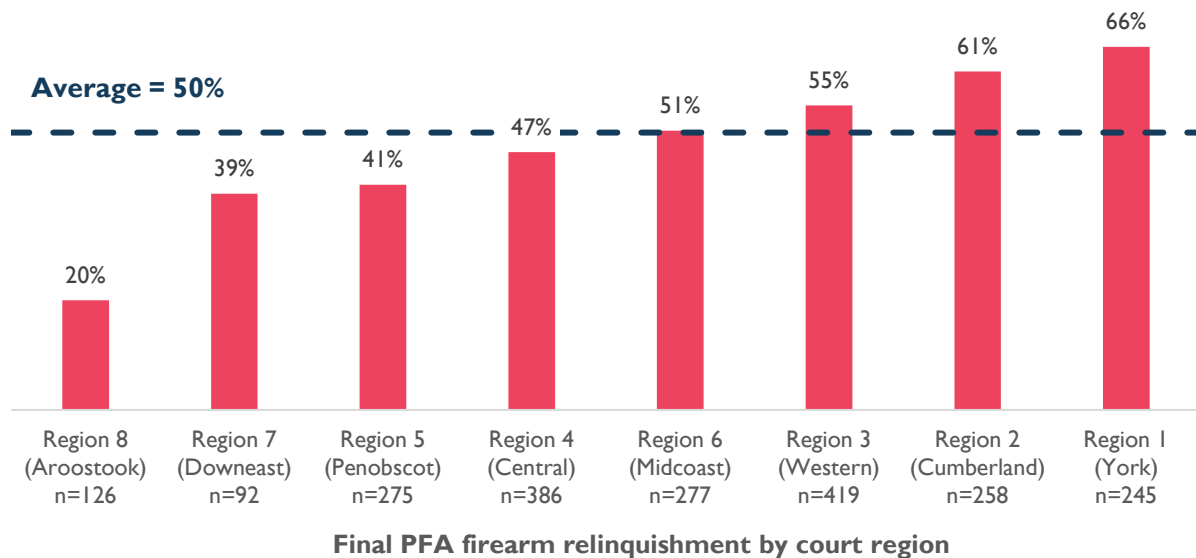
Final PFA orders were less likely to require firearm relinquishment than temporary orders, at 50% and 69%, respectively. One potential explanation for this difference is determination type. In fact, when both parties agree to the terms of an order prior to the final hearing, the final order is less likely to require relinquishment than when the

**Final PFA relinquishments by order determination type**



15.  $\chi^2 (2) = 50.206$ ,  $p < .001$ , Cramer's  $V = .157$ ,  $n = 2,030$

terms are set by a judge after a hearing. Thirty-nine percent (39%) of cases agreed to prior to the hearing required relinquishment, and 67% of cases determined by judge required relinquishment. The latter rate is only two percentage points lower than the rate observed in temporary orders (69%), indicating that the difference in temporary and final orders is not due to judiciary inconsistency but by determination type.



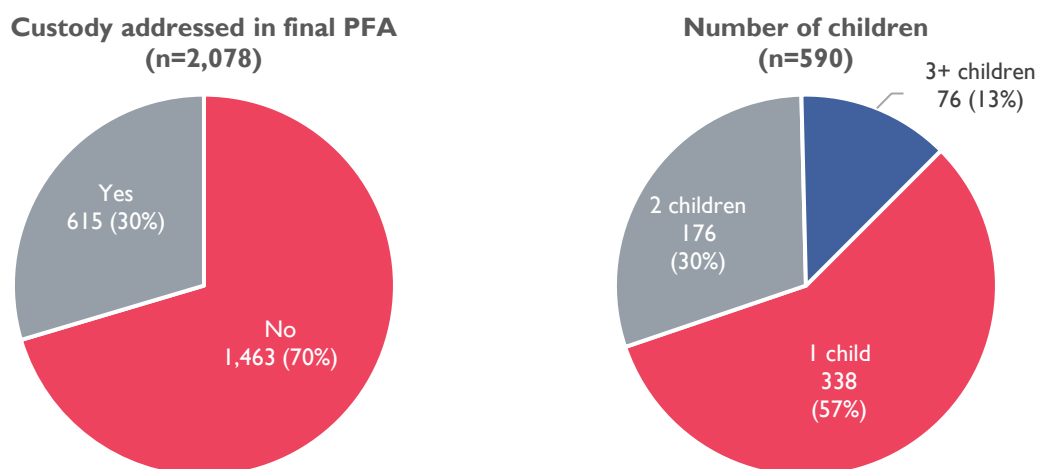
As with temporary PFAs, final PFAs varied by court district. Furthermore, they varied in a similar way—Region 8 had the lowest rate for temporary orders and for final orders (20%). Regions 1 and 2 had the highest rates for temporary orders and for final orders (66% and 61%).<sup>16</sup> That said, one variation between temporary and final PFA relinquishments can be seen in the four districts with the highest rates (Regions 1, 2, 3, and 6 in both charts). In the temporary orders, the rates of firearm relinquishment across these four regions were nearly identical (between 75% and 76%); however, for final orders the regional rate was more dispersed and ranged between 51% and 66%. Final order relinquishment rates did not vary by relationship type.

16.  $\chi^2 (7) = 103.053$ ,  $p < .001$ , Cramer's  $V = .223$ ,  $n = 2,078$

## CUSTODY MATTERS

Final PFA orders can temporarily address parental rights and responsibilities for any minor child(ren) shared between the plaintiff and defendant. When the court does award parental rights and responsibilities, three pieces of information are included in the order: whether the plaintiff is awarded shared or sole parental rights, the names of the minor child(ren) the temporary rights apply to, and a description of how the defendant's rights of contact are limited.<sup>17</sup>

As shown in the chart below, approximately 30% of cases addressed custody matters.<sup>18</sup> The names of the minor children were used to determine the number of children in the case. Approximately 57% of these orders addressed custody of one child, 30% addressed custody of two children, and the remaining 13% addressed custody of three or more children.<sup>19</sup> In total, 942 children were included in a final PFA order.



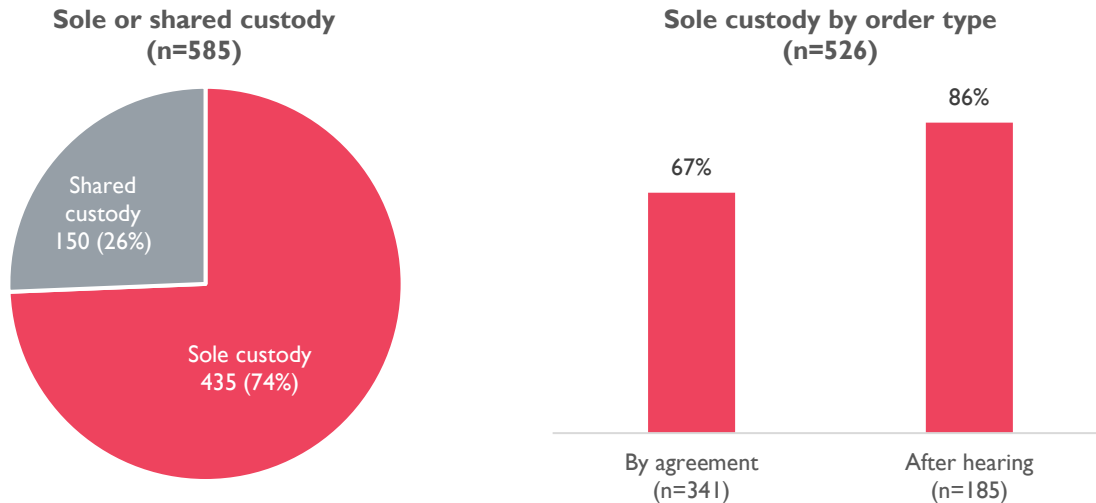
In approximately 74% of PFA cases that addressed custody matters, the final order awarded sole custody to the plaintiff, but this rate varied by order type. Eighty-six percent (86%) of orders determined after a hearing awarded sole custody, while 67% of orders determined by agreement did so. This is a statistically significant difference.<sup>20</sup>

17. See *Appendix A3* for custodial matters language as it appears on the final order.

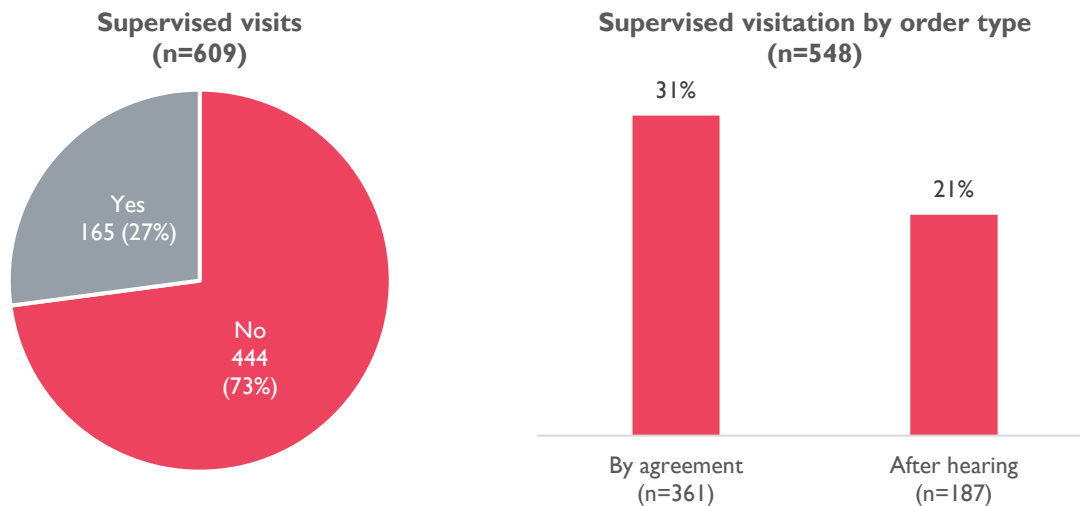
18. Custody percentages exclude one case for which the relevant page of the order did not get scanned.

19. Percentages exclude 25 cases (4.1% of orders addressing custody matters) in which the children were not specified, typically because the applicable part of the order referenced a different case or document.

20. Sole or shared custody percentages exclude 30 records (4.9% of orders addressing custody matters) in which the type of custody awarded was not specified;  $\chi^2 (1) = 23.055, p < .001, \Phi = -.209, n = 526$



A particular interest of this study was the extent to which supervised visitations—an arrangement where a third-party oversees parent-child visits—are ordered in PFAs. To determine whether supervised visitation was included in the order, researchers reviewed the narrative describing how defendant's rights to contact were limited. Overall, 27% of PFAs addressing custody matters limited a defendants' rights of contact to supervised visitations. However, this rate did vary by order type, with orders determined by agreement having a higher rate than orders determined after a hearing (31% and 21%, respectively).<sup>21</sup>



21. Supervised visitation percentages exclude 6 records (1.0% of orders addressing custody matters) in which limits on contact referenced a different document and therefore whether supervised visits were ordered could not be ascertained;  $X^2(1) = 5.705$ ,  $p = .017$ ,  $\Phi = -.102$ ,  $n = 548$

## OTHER TYPES OF RELIEF

Final PFAs include a series of checkboxes (labeled as K through Z) that align with other types of relief included in the protection order statute. In addition to the types of relief described above, this study aimed to understand how courts are utilizing or not utilizing specific types of reliefs, including:

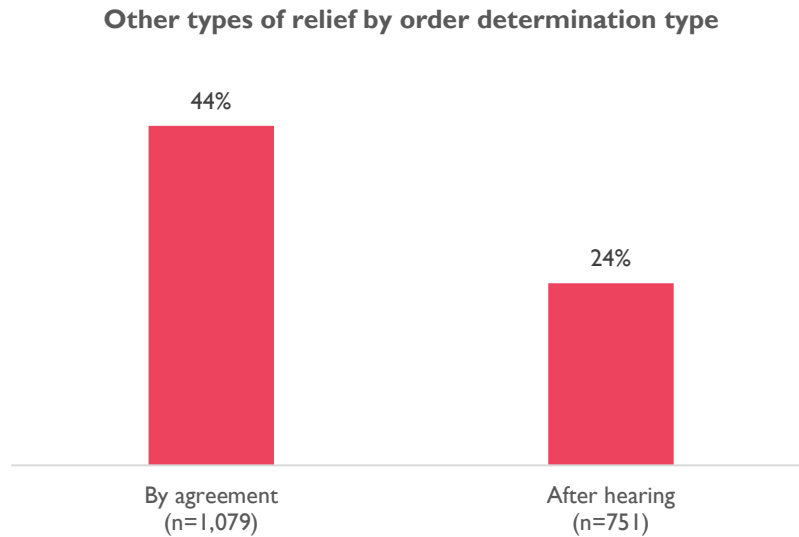
- K. The defendant shall pay child support pursuant to the attached child support order.
- M. The defendant shall pay the sum of \$\_\_\_\_\_ per week/month toward the support of the plaintiff.
- P. The defendant's rights of contact are limited as follows: \_\_\_\_\_.
- Q. The following order for the care, custody, and control of the parties' animal(s) or the animal(s) of a minor child residing in the household is entered: \_\_\_\_\_.
- T. It is further ordered: \_\_\_\_\_.
- V-Z. Money judgement orders.<sup>22</sup>

Findings showed that *it is further ordered* was the most frequently utilized other type of relief, with 23% of final PFAs including these provisions. *Limits to the defendant's rights of contact* was the next most often ordered, appearing in approximately one in 10 cases (11%). Final PFAs containing child support, monetary support, animal care/custody, and money judgement orders were relatively rare, with only 1–4% of PFAs containing these types of relief. However, a narrative review found the *it is further ordered* often addressed monetary payments and additional contact limitation provisions. Therefore, the 1–11% findings are likely an underestimate of how frequently the *non-further ordered types* of relief are utilized.

Other Types of Relief	Number	Percent
It is further ordered	485	23%
The defendant's rights of contact limitation	232	11%
Animal care/custody	75	4%
Money judgement orders	48	2%
Child support	45	2%
Monetary support	20	1%

22. See *Appendix A4* for money judgement orders language as it appears in the form..

Similarly to firearm relinquishment and custody matters, whether an order included these additional relief types varied by order determination type. Analysis found that orders determined by agreement of both parties were more likely (44%) to include at least one other type of relief provision than orders determined after a hearing (24%).



## HIGH-LEVEL NARRATIVE THEMES

An exploratory analysis of the handwritten content included in *it is further ordered* and *limits to the defendant's rights of contact* relief types was conducted to more fully understand what is specifically being ordered. Researchers manually review a selection of PFAs from every district court. The selection included 293 files that contained a further order narrative (60% of PFAs that contained this type of relief) and 129 files (56%) that described limits to a defendant's rights of contact.

### *IT IS FURTHER ORDERED*

The most present topic in the *it is further ordered* narratives was retrieving personal belongings/property. Specifically, about a third of the narratives detailed how a plaintiff, defendant, or a third-party would retrieve the belongings from a formerly shared residence and specified the date, time(s), and duration for which the retrieval would occur. When a defendant was retrieving property, accompaniment by a law enforcement officer or a third-party was ordered in 9 out of 10 cases. When the plaintiff was retrieving property, approximately half of the narratives included accompaniment provisions. Additionally, there were a few cases where the defendant had to vacate the home during the designated window of time that the plaintiff would be there.

The second most frequent theme was specific contact conditions between the plaintiff(s) and defendant. These narratives included a specific address(es) the defendant is prohibited from being at or in the vicinity of; no contact with the plaintiff in person, by phone, text, or social media; and/or how limited contact would occur at exchanges or through video calls if the parties shared a child(ren). In some cases, this narrative described if an existing family matters order already defined the allowable contact, rather than the PFA, and if the only allowable contact was during court proceedings.

Finally, the third most frequent narrative area was specific costs or payments between the defendant and plaintiff. For example, which party would pay the mortgage, rent, utilities, car payments, phone bills, and child-related costs like daycare or membership fees. Some descriptions also detailed the defendant paying a specific cost for property they had previously damaged.

### *LIMITS TO THE DEFENDANT'S RIGHTS OF CONTACT*

Rights of contact relief narrative primarily contained specifics about what types of contact were allowed and which were prohibited, with three types of contact each accounting for a quarter of the cases. The first designated that contact between the plaintiff and defendant could only happen electronically through text, email, or a co-parenting phone application. In many of these cases, parties shared a child(ren), and the contact was limited to communicating about the child(ren) or to set up parent/child visitations through video calls.

Likewise, one quarter of narratives describe allowable in-person contact, but many of these were limited and related to supervised visits or exchanges of children, and both parents being allowed to attend extracurricular activities or events at a child's school. In cases where limited personal contact was permitted and there was no indication that the plaintiff and defendant shared children, the narrative detailed contact that was limited to the court room, counseling, or that the parties may have limited, as needed contact at their mutual place of employment.

The final most frequent type of contact was how contact would occur while accessing personal belongings. Similar to *further ordered* narratives, these narratives frequently specified that the defendant would be accompanied by law enforcement to retrieve property. Some of these narratives also specified if that law enforcement would contact the plaintiff about the property retrieval, rather than the defendant.

# DISCUSSION

This analysis of 2023 protection from abuse orders established statewide baseline data on what has been ordered in Maine's district courts over a calendar year. According to the findings of this study, the majority of final PFA orders were filed against an intimate partner (77%), were for exactly 24 months (66%), and were determined by agreement (59%), meaning the plaintiff and defendant agreed upon the provisions contained in the final order prior to a court hearing. Additionally, this analysis identified areas of consistency as well as statistically significant differences between court regions and order determination types that are noteworthy and warrant additional discussion. This section presents these key findings and offers further considerations for this data and additional areas of inquiry.

## KEY FINDINGS

**1. Across the state, the vast majority of firearm relinquishment orders specify law enforcement as the receiving party.**

Courts rarely release firearms to third parties (i.e., non-law enforcement personnel). Analysis found that no temporary orders and only 2% of final orders relinquished to third parties. For those cases that did order relinquishment to a third party, order determination type appears to have played a pivotal role: only 21 final orders specified relinquishment to third parties and, of those final orders, 17 were orders agreed to by both prior to a hearing.

**2. Final orders determined by agreement of both parties are less likely to include firearm relinquishment provisions than orders determined by a judge.**

Final PFA orders had a much lower rate of firearm relinquishments than temporary orders, at 50% and 69%, respectively. However, this difference was primarily influenced by the order determination type. Specifically, only 39% of final PFAs agreed to prior to a hearing required relinquishment, while 67% determined by a judge did. Unlike final orders, temporary orders are always determined by a judge. Additionally, the difference between temporary and final order relinquishment rates was only two percentage points (69% and 67%), indicating that judges are being consistent in their practices.

**3. Firearm relinquishment is also influenced by court region.**

The percent of PFAs requiring firearm relinquishment varied significantly by court region, with temporary order rates spanning 41 percentage points and final orders spanning 46 points. Region 1 (Biddeford District Court) and Region 2 (Portland and Bridgeton district courts) had the highest firearm relinquishment rates (both 76% for temporary PFAs, and 66% and 61% for final orders). Whereas Region 8 (Caribou, Fort Kent, Houlton, and Presque Isle district courts) had the lowest temporary and final order firearm relinquishment rates



(35% and 20% respectively). While this study's data cannot identify the factors driving these regional differences, it does establish that regions themselves consistently require relinquishments between order types. Meaning, that if a region was less likely to order a firearm relinquishment in the temporary order, it was also less likely to do so in the final order, and vice versa.

#### 4. Custody provisions were closely associated with parties agreeing to the terms of an order prior to the final hearing.

Just under one third (30%) of final protection orders addressed custody, and in three of four cases, sole custody was awarded to the plaintiff (74%). However, when both parties agreed to the terms of an order prior to a hearing, sole custody was a less likely outcome. Specifically, 67% of orders determined by agreement awarded sole custody, while 86% of orders determined after a hearing did. Furthermore, orders determined by agreement had a higher rate of supervised visitation requirements than orders determined after a hearing (31% and 21%, respectively). These rates did not vary by region.

Given that judges generally do not grant sole custody to someone who is under a PFA, this distinction is not surprising. However, what these findings and the firearm relinquishments findings bring forth is that final orders determined by agreement have data trends that are different than those ordered by a judge after a hearing. While identifying specific factors that inform and drive by agreement outcomes is outside of the scope of this study, these findings suggest that further studying the multifaceted processes and outcomes of PFAs would be worthwhile.

#### 5. Paragraphs *T. It is further ordered* and *P. Limits to the defendant's rights of contact* are frequently being used to address reliefs that appear elsewhere on the form.

Across all regions, *T. It is further ordered* was the most documented other type of relief (23% of final PFAs). However, an exploratory narrative analysis showed that this category was often used to address relief that the form explicitly provides space for in earlier paragraphs, like monetary payments to the plaintiff and further contact limitation provisions. Meaning, in many cases, the use of *it is further ordered* likely drove an underestimate of the other relief categories examined in this study. Due to these inconsistencies in how additional types of relief are captured in final orders, the rates at which monetary issues and other reliefs are addressed cannot be easily identified.

Furthermore, the use of *P. Limits to the defendant's rights of contact* and *T. It is further ordered* to describe additional contact conditions may be limiting in terms of criminal enforcement. Paragraphs A-J on the form are always a Class D crime, and sometimes a Class C crime, while paragraphs K-Z are only civilly enforceable. Therefore, anything addressed in paragraphs P or T that could be addressed, but is not, in A-J limits the ability of law enforcement to address order violations.

## LOOKING AHEAD

This study provides a deeper understanding of the characteristics of Maine’s final protection from abuse orders and the types of relief being utilized in them. However, additional research could expand these findings. For instance, what judiciary training is or is not happening that affects how judge’s order relief or how they document relief on the PFA order form? Are there any observable case similarities or interventions, like the presence of an advocate, which could explain measured differences in cases that are being determined by agreement compared to those that are determined by a judge? Though the 2023 PFA data cannot directly address these questions, the insights presented in this study serve as a solid foundation for expanded research and informed policy discussions.

Additionally, there are still unanswered research questions. One key question is the extent to which the relationship between the plaintiff and defendant influences firearm relinquishment across *all* temporary protection orders. Findings indicate that temporary PFAs were more likely to include firearm relinquishment provisions when the plaintiff and defendant were current or former intimate partners. However, this conclusion is limited to temporary orders that resulted in a final PFA. Another potential area of inquiry is the characteristics of cases that do not lead to a temporary and/or final PFA. For instance, does the plaintiff’s relationship to the defendant affect whether a temporary PFA is granted? Among cases that do not result in a final PFA, how often do plaintiffs withdraw their requests compared to how often courts deny the request, and what case characteristics—if any—impact those rates?

Answering these questions would have required significantly more resources than were available for this study. Researchers would have needed to collect manual data from every file—not just those that resulted in a final PFA order—and would also have needed to review additional documents (e.g., Order of Dismissal). Fortunately, courts have been making progress in data accessibility. They recently implemented a new case management system, and some courts have begun fully digitizing case files through scanning. However, even when all files are fully digitized, significant obstacles remain because, for the most part, the documents needed for research are printed forms filled out by hand. To facilitate accessible analysis, clerks would have to manually enter information into a database—a labor-intensive process that could further strain already limited resources. Moving forward, a careful assessment of available resources and their constraints will be essential in determining how best to pursue these additional avenues of inquiry.

# APPENDIX A

## FIELDS USED FOR ANALYSIS

### A1. Relationship to Offender (Complaint)

4. Plaintiff's relationship to defendant is:

- |   |  |
|---|--|
| <input type="checkbox"/> Spouse   | <input type="checkbox"/> Plaintiff is 60 years of age or older, or a dependent adult, or an incapacitated adult and the defendant is plaintiff's extended family member (related by blood, adoption, or marriage) or unpaid care giver |
| <input type="checkbox"/> Former spouse  | <input type="checkbox"/> Victim of sex trafficking   |
| <input type="checkbox"/> Father/mother of my children                                   | <input type="checkbox"/> Victim of nonconsensual removal of or tampering with a condom   |
| <input type="checkbox"/> Minor child of a household member                              | <input type="checkbox"/> Plaintiff is a minor who is a victim of sexual exploitation or dissemination of sexually explicit material  |
| <input type="checkbox"/> Relative   | <input type="checkbox"/> Plaintiff is a minor who is a victim of harassment by a telephone or electronic communication device  |
| <input type="checkbox"/> Former or present sexual partner                               |  |
| <input type="checkbox"/> Formerly or presently living together                          |  |
| <input type="checkbox"/> Dating partner   |  |
| <input type="checkbox"/> Victim of defendant's sexual assault                           |  |
| <input type="checkbox"/> Victim of defendant's stalking                                 |  |
| <input type="checkbox"/> Victim of unauthorized dissemination of certain private images |  |

### A2. Firearm Relinquishment (Temporary and Final Protection Order)

☐ (G) ORDER PROHIBITING POSSESSION AND REQUIRING RELINQUISHMENT OF FIREARMS AND WEAPONS:

- The defendant is prohibited from possessing and is ordered to relinquish the following:
  - ☐ All firearms described in 17-A M.R.S. § 2(12-A); all muzzle-loading firearms, bows, and crossbows; and all other dangerous weapons as described in 17-A M.R.S. § 2(9);
  - ☐ Other weapons: \_\_\_\_\_
- The defendant is ordered to relinquish all of the above for the duration of this order:
  - ☐ **immediately upon service of this Order; ☐ within 24 hours; ☐ within \_\_\_\_\_ hours (must be less than 24 hours) (please select one of the following):**
    - ☐ to a law enforcement agency. The court orders the law enforcement agency that serves this Order on the defendant to coordinate relinquishment of firearms, except that if the defendant is served by a judicial marshal, then the following law enforcement agency is ordered to coordinate relinquishment of firearms by the defendant: \_\_\_\_\_. The responsible agency may be assisted by other law enforcement agencies as needed. Law enforcement must complete the Notice of Relinquishment of Weapons to be Completed by Law Enforcement (PA-024) and file it with the court as directed on that form.
    - ☐ to another individual, namely \_\_\_\_\_
- If the firearms and/or weapons described above are relinquished to an individual other than a law enforcement officer, the defendant must, within 24 hours after relinquishment, complete the Notice of Relinquishment of Weapons to be Completed by Defendant (PA-025) and file it with the ☐ court or ☐ \_\_\_\_\_ (local law enforcement agency).

**A3. Custodial Matters (Final Protection Order)**

- ☐ (I) The plaintiff is awarded temporary \_\_\_\_\_ (sole or shared) parental rights and responsibilities (custody) concerning minor child(ren), whose names and dates of birth (mm/dd/yyyy) are as follows:

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The defendant's rights of contact are limited as follows:

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**A4. Other Types of Relief (Final Protection Order)**

- ☐ (K) The defendant shall pay child support pursuant to the attached child support order.
- ☐ (M) The defendant shall pay the sum of \$\_\_\_\_\_ per ☐ week ☐ month toward the support of the plaintiff. The first payment is due (mm/dd/yyyy)\_\_\_\_\_
- ☐ (P) The defendant's rights of contact are limited as follows:

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- ☐ (Q) The following order for the care, custody, and control of the parties' animal(s) or the animal(s) of a minor child residing in the household is entered:

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- ☐ (T) It is further ORDERED:

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**MONEY JUDGMENT ORDERS:**

- ☐ (V) The defendant is ordered to pay to the plaintiff the sum of \$\_\_\_\_\_ immediately as monetary compensation for losses suffered as a direct result of the abuse, execution to issue.
- ☐ (W) The ☐ defendant ☐ plaintiff is ordered to pay to \_\_\_\_\_ the sum of \$\_\_\_\_\_ as counsel fees; the sum of \$\_\_\_\_\_ as court costs. Payment is to be made within days, execution to issue.
- ☐ (X) No child support order is issued at this time ☐ but will be issued as soon as the parties file a child support affidavit, to be filed no later than (mm/dd/yyyy) \_\_\_\_\_ ☐ because there is a pre-existing child support order.
- ☐ (Y) The defendant is ordered to pay to \_\_\_\_\_ the sum of \$\_\_\_\_\_ as costs associated with removal, destruction, or return of the private images.
- ☐ (Z) With regard to sex trafficking, the defendant is ordered to pay damages related to the return or restoration of the plaintiff's passport or other immigration document and/or pay any debts of the plaintiff arising from the sex trafficking relationship. The defendant is ordered to pay to \_\_\_\_\_ the sum of \$\_\_\_\_\_.



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