

Yellow Flag, Red Flag, PFA Process - Comparison Chart of Key Components of Each Process

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	Yellow Flag	Red Flag	PFA
Who can initiate the process?	(1) Law Enforcement Officer (LEO)	(1) Family or household member (2) LEO	(1) Family or household member (2) Dating partner (3) Statutory expansion list (i.e. victims of defendant's sexual assault, victims of defendant's stalking, etc.)
Grounds for initiating process	(1) LEO has probable cause <ul style="list-style-type: none"> a. A person may be mentally ill AND b. Presents a likelihood of serious harm BECAUSE c. The person possesses, controls, or may acquire a dangerous weapon 	(1) EMERGENCY Order <ul style="list-style-type: none"> a. Respondent poses an IMMEDIATE AND significant danger of causing physical injury to respondent OR another person b. By purchasing, possessing, or receiving a dangerous weapon OR by having or attempting to have custody or control of a dangerous weapon (2) REGULAR Order <ul style="list-style-type: none"> a. Respondent poses a significant danger of causing physical injury to the respondent OR another person b. By purchasing, possessing or receiving a dangerous weapon OR by having or attempting to have custody or control of dangerous weapon 	(1) TEMPORARY Order <ul style="list-style-type: none"> (1) Plaintiff has demonstrated good cause that a temporary order is necessary (IMMEDIATE AND present danger of abuse to the plaintiff or minor child can constitute good cause).
Jurisdiction	(1) District Court where person was taken into custody	(1) District Court where Respondent resides (2) Where events that gave rise to petition occurred	(1) District Court where Plaintiff resides or where they previously resided (if they left that area to avoid abuse) (2) District court where defendant resides (3) District court where plaintiff now resides
Authority	(1) District Court Judge (2) Superior Court Justice (3) Justice of the Peace	(1) District Court Judge (2) Superior Court Justice	(1) District Court Judge (2) Superior Court Justice
Attorneys	(1) Prosecutor defends the petition (2) Restricted person has own attorney (can be appointed by court); has right to counsel for the hearing	(1) Petitioner defends position (can hire their own attorney); no right to attorney (2) Respondent has own attorney (can be appointed by court)	(1) Plaintiff defends position (can hire their own attorney or work with DVRC to try and secure free representation); no right to attorney (2) Defendant defends position (can hire their own attorney); no right to attorney

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Scheduling Hearing	(1) Within 14 days of notice to restricted person	(1) Within 14 days of issuance of ERPO	(1) Within 21 days of issuance of temporary order
Standard of proof at Hearing	(1) At hearing: clear and convincing evidence, restricted person presents a likelihood of foreseeable harm	(1) At hearing for REGULAR ERPO: preponderance of evidence	(1) At hearing for Final PFA: preponderance of evidence
Length of order	(1) Up to 1 year	(1) Emergency Order typically lasts 14 days (2) Regular Order can be granted for up to 1 year	(1) TEMPORARY Order typically lasts 21 days (2) Final Order can be granted for up to 2 years
Order Extensions or Renewals	(1) Order can be extended up to 1 year. (2) Court is required to schedule a hearing within 45 days of expiration of order to determine if order should be extended.	(1) Petitioner can file motion to renew for up to 1 additional year (2) Motion to Renew must be file not more than 30 days and not less than 14 days of the expiration of the order	(1) Final Order <ul style="list-style-type: none"> a. Prior to the expiration of the order, Plaintiff may file a Motion to Extend; the Court has discretion to extend the order without limitation on the duration of the extension. b. A final order may be extended more than once. c. After expiration of the order, Plaintiff may file a Motion to Extend, and the Court may reinstate and extend the final order after expiration only if the Court finds the plaintiff has shown good cause and that the filing was made within a reasonable amount of time based upon the underlying circumstances.
Order Dissolutions or Modifications	(1) Restricted person can file 1 motion for dissolution during an extended restriction. (2) Restricted person must show by clear and convincing evidence they no longer pose a likelihood of foreseeable harm	(1) EMERGENCY Order <ul style="list-style-type: none"> a. Petitioner can voluntarily dismiss; if they do the court SHALL vacate Emergency order (2) REGULAR Order <ul style="list-style-type: none"> a. Respondent can file Motion to Terminate once during effective period b. Respondent must show by clear and convincing evidence that they no longer pose a significant danger 	(1) Plaintiff or Defendant may file a Motion to Modify the order, and the court may modify the order from time to time for sufficient cause as circumstances require. (2) Only the Plaintiff may file a Motion to Extinguish a Final Protection Order.
Violations	(1) Possession of a dangerous weapon by a restricted person is a Class D crime.	(1) Possession of a firearm by a restricted person is a Class D crime under M.R.S. 15 §393 (1)(E-3). (2) Possession of other dangerous weapons by a restricted person may be treated as contempt.	(1) Most violations of a PFA are a Class D crime. (2) Some violations of a PFA are a Class C crime, depending on the Defendant's conduct or if the Defendant has 2 or more prior convictions for Violation of a Protection Order. (3) Violations of Paragraphs K – U in M.R.S. 19-A §4110(3) are treated as contempt.