

Standards for Civil Protection Orders in Select States

By: Kristen Miller, Senior Legislative Attorney
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Issue

Compare nearby states' standards for issuing civil protection orders based on allegations of harassment or stalking by someone with whom the victim has no familial or close personal relationship such as a dating relationship.

Summary

Civil protection orders are court orders to stay away from or not contact someone to prevent conduct such as abuse, stalking, or harassment. State laws on issuing these orders vary by things such as the course of conduct that may give rise to an order, the available relief, the standard for issuing the order, and the order's duration.

Under Connecticut law, this type of order is available for victims of sexual abuse, sexual assault, or stalking, who are not eligible for a civil restraining order, which is available only to victims of domestic violence by family or household members ([CGS § 46b-16a](#)). To grant the order, the court must find that there are reasonable grounds to believe that the respondent (the person against whom protection is sought) committed the alleged acts and will continue to do so or commit other acts meant to intimidate or retaliate against the applicant (the person seeking protection). The court may issue an ex parte order (without a hearing) if it finds that there are reasonable grounds to believe that the applicant is in imminent danger.

Table 1 below shows the standard courts use in 10 other states with civil protection order statutes that are similar to Connecticut's. Four of these states (Illinois, Maine, New Hampshire, and

Vermont) require only that the alleged act occurred. Like Connecticut, five of the states (Kentucky, Maryland, New Jersey, Pennsylvania, and West Virginia) also require that there be a continued risk of harm. Massachusetts requires that there is a substantial likelihood of immediate danger of harassment.

These states all require the decision to grant a civil protection order to be made by a preponderance of the evidence. This is the legal burden of proof based on the greater weight of the evidence, meaning that a claim must be shown to be more likely true than untrue (greater than a 50% chance). It is the burden of proof that applies in most civil trials.

Please note that, like Connecticut, different standards may apply for orders granted on an emergency or interim basis. For example, in Maryland, instead of needing to meet the preponderance of the evidence standard, the court only needs “reasonable grounds” to believe that the respondent committed the acts and is likely to do so in the future in order for it to issue an interim or temporary peace order ([Md. Code Ann., Cts. & Jud. Proc. §§ 3-1503.1 & 3-1504](#)).

Table 1: Court Standards for Civil Protection Order Statutes

State	Order Name	Standard for Issuing Protection Order
Illinois	Stalking No Contact Order	“...by a preponderance of the evidence...” (740 Ill. Comp. Stat. 21/30) “...has been a victim of stalking...” (740 Ill. Comp. Stat. 21/80)
Kentucky	Interpersonal Protection Order	“...by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur...” (Ky. Rev. Stat. Ann. § 456.060)
Maine	Protection from Harassment Order	“...prove the allegation of harassment by a preponderance of the evidence.” (Me. Rev. Stat. Ann. tit. 5, § 4654)
Maryland	Peace Order	“...preponderance of the evidence that the respondent has committed, and is likely to commit in the future...” (Md. Code Ann., Cts. & Jud. Proc. § 3-1505)
Massachusetts	Harassment Protection Order	“...substantial likelihood of immediate danger of harassment...” (Mass. Gen. Laws ch. 258E §§ 5 & 6) This must be shown by a preponderance of the evidence (Massachusetts Guide to Evidence, Art. XI, Section 1106).
New Hampshire	Stalking Order of Protection	“...showing of stalking by a preponderance of the evidence...” (N.H. Rev. Stat. Ann. § 633:3-a)

Table 1 (continued)

State	Order Name	Standard for Issuing Protection Order
New Jersey	Protective Order	“...preponderance of the evidence...The court shall consider but not be limited to the following factors: (1) the occurrence of one or more acts of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or acts of stalking or cyber-harassment against the alleged victim; and (2) the possibility of future risk to the safety or well-being of the alleged victim. ...[the order] shall be issued only after a finding or an admission is made that the respondent committed [the alleged action(s)]...” (N.J. Stat. Ann. § 2C: 14-16)
Pennsylvania	Protection from Sexual Violence or Intimidation Order	“...by a preponderance of evidence that the plaintiff or another individual, as appropriate, is at a continued risk of harm from the defendant.” (42 Pa. Cons. Stat. § 62A06)
Vermont	Order Against Stalking	“...by a preponderance of evidence that the defendant has stalked or sexually assaulted the plaintiff, or has been convicted of stalking or sexually assaulting the plaintiff...” (Vt. Stat. Ann. tit. 12, § 5133)
West Virginia	Personal Safety Order	“...by a preponderance of the evidence that: (A)(i) The respondent has committed [a specified act, such as stalking] against the petitioner; and (ii) The petitioner has a reasonable apprehension of continued unwanted or unwelcome acts by the respondent...” (W. Va. Code § 53-8-7(a)(2)(A))

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