

INSTRUCTIONS TO THE PLAINTIFF

PROTECTION FROM ABUSE

Under chapter 209A of Massachusetts General Laws, Judges can make Orders to protect people from abuse by family or household members. These Orders will be recorded and enforced by law enforcement agencies. They are commonly called “Abuse Prevention Orders” or “Restraining Orders” or “209A Orders.” In an emergency that occurs after court hours or on weekends, you may ask your local police to put you in contact with a Judge.

CHECKLIST OF FORMS

COMPLAINT FORM: To request an Abuse Prevention Order, you must fill out a two-page Complaint form and any other appropriate forms. There is no filing fee. You are the “Plaintiff.” The person who you allege has abused you is the “Defendant.”

Part C: If either you or the Defendant is under the age of 18, indicate that in Part C. The law provides that such cases are not open to public inspection and are available only to the Plaintiff, the Plaintiff’s attorney, the person under 18, or a parent or guardian of the person under 18. If you and the Defendant are both over 18, court records of this matter will generally be open to public inspection. If you have good reasons to ask the Judge to keep other parts of the court record confidential, you may file a written request (a “motion”) asking the Judge to do so. Usually, a general preference for privacy is not a sufficient reason to permit court records to be kept confidential.

Part E: If you answer “Yes,” please bring with you to the courthouse any legal papers you have from any such court proceeding.

Part J: In number 5, financial losses may include, but are not limited to, lost earnings or support, costs for restoring utilities, replacement costs for locks or personal property removed or destroyed, medical and moving expenses, and reasonable attorneys’ fees.

AFFIDAVIT: On the back of the first (white) copy of the Complaint form is an affidavit where you should describe the abuse. When you are requesting relief after court hours, you must fill it out, unless a Judge indicates otherwise.

PLAINTIFF CONFIDENTIAL INFORMATION FORM. Enter the appropriate information (addresses and telephone numbers). The information provided on this form is accessible only by the Plaintiff, those authorized by the Plaintiff, those authorized by statute and by court order. However, the Plaintiff’s residential address and workplace address shall appear on the order and be accessible to the Defendant and the Defendant’s attorney unless the Plaintiff specifically requests that the information be withheld from the order. The form is kept by the court but is not part of the public record.

AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS: If you have any children, check “Yes” in Part H on Page 1 of the Complaint form, complete the top and any other appropriate parts of Page 2, and follow instructions in Part A on Page 2 for completing an Affidavit Disclosing Care or Custody Proceedings.

DEFENDANT INFORMATION FORM: This form describes the Defendant and where that person can be found. It will help law enforcement officers find that person to deliver the Order.