



Massachusetts Trial Court: Chapter 258E Complaint Packet

Harassment Prevention Orders (also known as “Harassment Orders” or “258E Orders”)

Under Chapter 258E of the Massachusetts General Laws, judges can issue orders to protect people from harassment or abuse. Police departments have access to these orders and are required to enforce them.

The law defines harassment as “(i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.” *Massachusetts General Laws, chapter 258E, section 1*.

You can apply for an order at most courthouses (Boston Municipal Court, District Court, Juvenile Court, or Superior Court) Monday through Friday from 8:30 AM – 4:30 PM. When you submit your application, a judge will hold a hearing about the application as soon as possible. **In an emergency** that happens after court hours, on weekends, or on holidays, you may ask your local police department to call a judge for you.

A request for a 258E (harassment) order is a request for a civil order to protect against future harassment or abuse. The defendant’s action(s) may also be criminal. You may want to talk to the District Attorney’s office or the police department where the reported harassment occurred. Talking to the District Attorney’s office or the police department is **not** required to submit your paperwork or to get an order, but may be helpful in understanding your options, including whether criminal charges can be brought.

Below is a list of forms included in this packet. Each form should be completed following the instructions for that form.

- Complaint Form
- Affidavit
- Plaintiff Confidential Information Form
- Defendant Information Form

Filing Information

Filing for an order is free. There is no filing fee.

These materials will help you prepare for your hearing. You may fill these out before you go to or at the courthouse, but you must either submit the forms in person or talk to the court staff first to apply for an order. Court staff will instruct you on how to submit your documents.

Confidentiality of the Case Records

If you or the person you are seeking the order against are under the age of 18, members of the public will not be able to see the court records. If you and the person you are seeking the order against are both over 18, members of the public will generally be able to see the court records. If you have reasons to ask the judge to keep parts of the court record confidential, you may submit a written request (a “motion”) asking the judge to do so.

Please Note: Your home and work addresses will appear on the order, and the person whom you are seeking the order against will be able to see them. You may ask the judge to keep your address information off the order, and you may be required to submit a written request (a “motion”) asking that your home and/or work address be kept off the order.

Language Resources

Interpreters are available at no cost. Please tell the court if you need language help when you apply for an order. Translated copies of this Chapter 258E Complaint Packet are for reference only, and English forms must be submitted to the court.

Help

Advocates may be available at the courthouse and can help you with harassment order applications and safety planning. Advocates may also be able to provide information about available free or reduced-charge legal services. Community-based domestic violence or rape crisis agencies can connect you with advocates who offer free and confidential services.



Important Terms to Know

- The **plaintiff** is the person seeking protection from harassment. If you are a parent or guardian seeking protection on behalf of a minor (under the age of 18), the minor should be listed as the plaintiff.
- The **defendant** is the person accused of harassing the plaintiff.

These are the Forms You Must File with the Court

• Complaint for Protection from Harassment

- This form asks questions about a description of the harassment that occurred. The form also asks whether either you or the defendant are under the age of 18 and what you are asking the judge to order. The Complaint lists the type of orders a judge can make.

• Affidavit

- This form asks you to describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the listed criminal statutes, you must describe at least three separate incidents of harassment. The judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other help sought. Also describe any history of harassment, including the most serious incidents of harassment, with as much of the above detail as possible.

Please Note: Unless the court allows a Motion for Impoundment, this affidavit will be public record, including any names or addresses included in the affidavit. A Motion for Impoundment is a written request to the court asking to keep certain information out of the public record. If you have questions about how to file a Motion for Impoundment, please ask the court staff.

- If there are prior or pending court matters between you and the defendant, it is helpful if you bring any court papers with you to the hearing.

• Plaintiff Confidential Information Form

- This form asks for your contact information. The court needs to be able to communicate with you to let you know when the hearing on your complaint will be held. You will need to participate in the hearing. Your contact information is kept confidential. This means that it is not available to the public, the defendant, or the defendant's attorney. Except with special permission from a judge, the answers you give on this form are only available to you, your attorney, to those you authorize to have access, and to certain persons when necessary to do their job (for example: advocates or police officers). If you have concerns about the court contacting you directly, please let the court know and provide another way the court can reach you.

• Defendant Information Form

- This form asks questions about the defendant. These questions are important because they help the police know what the defendant looks like and how to locate the defendant. This is important because the police must give the defendant a copy of any order issued by the judge.

**COMPLAINT FOR PROTECTION FROM
HARASSMENT
G.L. c. 258E (Page 1 of 1)**

DOCKET NO.

Massachusetts Trial Court



Boston Municipal Court District Court Juvenile Court Superior Court COURT DIVISION:

NAME OF PLAINTIFF (*person seeking protection*)

NAME OF DEFENDANT (*person accused of harassment*)

Plaintiff is 18 years old or older.
 Plaintiff is less than 18 years old.

Defendant is 18 years old or older.
 Defendant is less than 18 years old.

NATURE OF HARASSMENT

On or about _____ (*date(s), list as specific a time frame as possible for each act*) the Defendant (*select all that apply*):

Committed three (3) or more acts of willful and malicious conduct towards me with the intent to cause fear, intimidation, abuse or damage to property and did in fact cause fear, intimidation, abuse or damage to property

Committed one (1) act that caused me to engage in sexual relations by force, threat, or duress

Committed one (1) act of one of the following:

- Indecent assault and battery (G.L. c. 265, §§ 13B, 13F, or 13H)
- Rape (G.L. c. 265, §§ 22 or 22A)
- Statutory rape (G.L. c. 265, § 23)
- Assault with intent to rape (G.L. c. 265, §§ 24 or 24B)
- Enticing a child (G.L. c. 265, § 26C)
- Criminal stalking (G.L. c. 265, § 43)
- Criminal harassment (G.L. c. 265, § 43A)
- Distribution of sexual or nude images (G.L. c. 265, § 43A(b))
- Drugging for sexual intercourse (G.L. c. 272, § 3)

OPEN OR CLOSED COURT MATTERS

Are there any open or closed court actions involving you and the Defendant, including for divorce, annulment, separate support, legal separation, or abuse prevention (restraining orders), custody, guardianship, evictions, landlord/tenant matters, small claims, or any criminal proceedings?

No

Yes; please list the court name (including any courts not in Massachusetts), type of case, and any other information that will be helpful:

Court Name and Location	Type of Case	Is the case open or closed?

REQUEST FOR RELIEF

I am asking the Court (*select all that apply*):

To order the Defendant to stop abusing or harassing me.
 To order the Defendant not to contact me at all.
 To order the Defendant not to contact me, except as authorized by the court, by: Phone Text Email Other:

 To order the Defendant to remain away from my residence (home) (*as listed on the Plaintiff Confidential Information form*).
 To order the Defendant to remain away from my workplace/employer (*as listed on the Plaintiff Confidential Information form*).
 To order that my residential (home) address not appear on the order so the Defendant does not see it.
 To order that my workplace address not appear on the order so the Defendant does not see it.
 To order the Defendant to pay me \$ _____ in compensation for the following losses suffered as a direct result of the abuse:

 To order that the Defendant refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the following animal(s):
 To order that I be given possession, care, and control of the following animal(s):

SIGNATURE

Select the most appropriate:

I am the Plaintiff and I completed this Complaint form and am filing it myself.
 I am not the Plaintiff, but I completed this Complaint form and am filing it on behalf of the Plaintiff. My relationship to the Plaintiff is:

DATE	PRINTED NAME	SIGNATURE

If the Court issues a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether to continue the Order. You must be present at the next scheduled hearing, or the Order will expire. The Defendant may participate with or without an attorney to oppose any extension of an Order.

**AFFIDAVIT
FOR PROTECTION FROM
HARASSMENT
G.L. c. 258E**

Describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the listed criminal statutes, you must describe at least three separate incidents of harassment. The judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other help sought. Also describe any history of harassment, including the most serious incidents of harassment, with as much of the above detail as possible.

Please Note: Unless the court allows a Motion for Impoundment, this affidavit will be public record, including any names or specific addresses included in the affidavit. A Motion for Impoundment is a written request to the court asking to keep certain information out of public record. If you have questions about how to file a Motion for Impoundment, please ask the clerk's or register's office.

On or about _____ (date(s), examples: *list as specific a time frame as possible for each act*), the Defendant:

If this box is checked, more space is needed, and _____ (number, how many) additional pages are attached.

SIGNATURE

Select the most appropriate:

I am the Plaintiff and I completed this Affidavit myself and I declare under penalty of perjury that all statements of fact made above and those included in the Complaint form, are true to the best of my knowledge.

I am a Court Certified Interpreter and this is a translated version of the Plaintiff's Affidavit. Language: _____

I am a law enforcement officer. I completed this Affidavit with information provided by the Plaintiff.

I am not the Plaintiff, but I transcribed this Affidavit on behalf of the Plaintiff. My relationship to the Plaintiff is: _____

DATE	PRINTED NAME	SIGNATURE

**SUPPLEMENTAL AFFIDAVIT
FOR PROTECTION FROM HARASSMENT
G.L. c. 258E**

To be used when a plaintiff requires additional space to describe the harassment.

Please Note: Unless the court allows a Motion for Impoundment, this affidavit will be public record, including any names or specific addresses included in the affidavit. A Motion for Impoundment is a written request to the court asking to keep certain information out of public record. If you have questions about how to file a Motion for Impoundment, please ask the clerk's or register's office.

Continued from page _____ of _____ total pages.

If this box is checked, more space is needed, and _____ (*number, how many*) total additional pages are attached.

SIGNATURE

DATE

PRINTED NAME

SIGNATURE

PLAINTIFF CONFIDENTIAL INFORMATION FORM
G.L. c. 209A, § 8 or G.L. c. 258E, § 10

DOCKET NO. (for court use only)

Massachusetts Trial Court



This form should be sealed in an envelope marked "PLAINTIFF'S ADDRESS – CONFIDENTIAL."

PLAINTIFF'S NAME

PLAINTIFF'S DATE OF BIRTH

If this box is checked, the Plaintiff is asking for/needs an interpreter (including sign language). Language: _____

PLAINTIFF'S EMAIL ADDRESS

PLAINTIFF'S CELLPHONE NUMBER

PLAINTIFF'S RESIDENTIAL (HOME) ADDRESS (NUMBER, STREET, CITY, STATE, ZIP)

PLAINTIFF'S MILITARY AFFILIATION

- Active Duty
- Guard/Reserves
- Veteran
- Family Member
- None/Do Not Know

If this box is checked, this is in an apartment building or multiple family dwelling (home).

ANY FORMER ADDRESS PLAINTIFF HAS LEFT TO AVOID ABUSE (for G.L. c. 209A abuse prevention cases only)

NAME OF PLAINTIFF'S WORKPLACE/EMPLOYER (list the company/business and boss/supervisor)

ADDRESS OF PLAINTIFF'S WORKPLACE (NUMBER, STREET, CITY, STATE, ZIP)

PLAINTIFF'S WORKPLACE PHONE NUMBER

NAME OF PLAINTIFF'S SCHOOL

ADDRESS OF PLAINTIFF'S SCHOOL (NUMBER, STREET, CITY, STATE, ZIP)

THIS FORM IS CONFIDENTIAL AND IS NOT AVAILABLE TO THE PUBLIC, THE DEFENDANT, OR THE DEFENDANT'S ATTORNEY.

Except with a judge's permission, this form is available only to you, to your attorney, to those you authorize to have access (see below), and to certain people when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors, and, in G.L. c. 209A cases, domestic violence counselors).

PERSONS AUTHORIZED BY PLAINTIFF TO HAVE ACCESS TO THIS CONFIDENTIAL INFORMATION

DATE

PLAINTIFF'S SIGNATURE

IF A JUDGE ORDERS THE DEFENDANT TO STAY AWAY FROM YOUR RESIDENCE (HOME), WORKPLACE, OR SCHOOL, THOSE ADDRESSES WILL APPEAR ON THE COURT ORDER. THEY WILL NOT BE AVAILABLE TO THE PUBLIC BUT THE DEFENDANT WILL BE ABLE TO SEE THEM. If you do not want those addresses to appear on the court Order and do not want the Defendant to know them, you should specifically ask that your home, work, and/or school address be kept off the order. Please note if the court grants that request and any address is not listed on the Order, the police cannot find out your address unless they contact the court during court business hours or unless you notify the police of your address.

If you and the Defendant are both over 18, the public will generally be able to see the court records. If you have reasons to ask the judge to keep parts of the court record confidential, you may submit a written request (a "motion") asking the judge to do so. You can ask the Clerk's or Register's Office to explain how to file a Motion for Impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure. You may file a Motion for Impoundment if you have good reasons why your addresses or other confidential information in this case should not be disclosed to those who would otherwise have access in the course of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases, domestic violence counselors). Usually, a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection.

If you or the Defendant is under the age of 18, members of the public will not be able to see the court records. The court records will only be available only to you and the Defendant, and to your attorneys. These records will also be available to a parent or guardian of any party who is under 18.

**DEFENDANT INFORMATION FORM
AS PROVIDED BY PLAINTIFF
G.L. c. 209A or G.L. c. 258E**

DOCKET NO. (for court use only)

Massachusetts Trial Court



The below information is needed to help police to identify and find the Defendant to serve the Defendant with a copy of any abuse prevention or harassment prevention order that is issued. Please provide as much information as possible. If you do not know some information, please let court staff know so they can help you.

DEFENDANT'S NAME (FIRST, MIDDLE, & LAST) (full legal/birth name)		DATE OF BIRTH			
OTHER NAMES USED BY THE DEFENDANT, IF ANY (aliases, nicknames, former names)		PLACE OF BIRTH (City, State, Country)			
<input type="checkbox"/> If this box is checked, the Defendant may ask for/need an interpreter (including sign language). Language:					
MOTHER'S NAME (FIRST & MAIDEN)		FATHER'S NAME (FIRST & LAST)			
		SOCIAL SECURITY NUMBER (last four) XXX - XX -			
DESCRIPTION OF DEFENDANT					
SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	GENDER IDENTITY	RACE	ETHNICITY		
BUILD (body type)		EYES (color)	HAIR (color)	HEIGHT	WEIGHT
OTHER PHYSICAL CHARACTERISTICS (glasses, scars, tattoos, complexion, hairstyle)				DEFENDANT'S MILITARY AFFILIATION <input type="checkbox"/> Active Duty <input type="checkbox"/> Guard/Reserves <input type="checkbox"/> Veteran <input type="checkbox"/> Family Member <input type="checkbox"/> None/Do Not Know	
CONTACT & LOCATION INFORMATION FOR DEFENDANT				DEFENDANT'S CELLPHONE NUMBER DEFENDANT'S EMAIL ADDRESS	
DEFENDANT'S RESIDENTIAL (HOME) ADDRESS (NUMBER, STREET, CITY, STATE, ZIP)					
<input type="checkbox"/> If this box is checked, the Defendant lives in an apartment. The apartment is on the _____ (first, tenth, etc.) floor and the name on the door/mailbox of the apartment is _____.					
DEFENDANT'S WORKPLACE/EMPLOYER (list the company/business and boss/supervisor)				WORK TELEPHONE NUMBER	
WORK ADDRESS (NUMBER, STREET, CITY, STATE, ZIP)				JOB TITLE	
DEPARTMENT				WORK HOURS	
VEHICLE LICENSE PLATE NUMBER	YEAR	MAKE	MODEL	COLOR	
OTHER INFORMATION					
It is important that the police can keep everyone safe when serving any abuse prevention or harassment prevention Order that the Court issued.					
Does the Defendant have:					
A history of violence toward police officers? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Do Not Know A history of using and/or abusing drugs and/or alcohol? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Do Not Know Access to or possess guns, ammunition, a license to carry firearms, a firearms identification card? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Do Not Know Mental health concerns? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Do Not Know					
ANY OTHER INFORMATION WHICH MIGHT BE HELPFUL IN LOCATING THE DEFENDANT (Include best place and/or time to find, temporary residence, friends' and/or relatives' houses, etc. If you do not know specific details about the car the defendant drives, you can describe it here.)					
DATE	PRINT PLAINTIFF'S NAME			PLAINTIFF'S SIGNATURE	