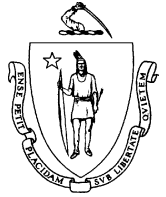


TRIAL COURT OF THE COMMONWEALTH

**"COMPLAINT FOR PROTECTION FROM HARASSMENT"
"HARASSMENT PREVENTION ORDER"**



INSTRUCTIONS FOR POLICE DEPARTMENTS AFTER COURT HOURS

When the court is closed for business, any judge assigned to the Judicial Response System may grant relief to a Plaintiff if the Plaintiff demonstrates a substantial likelihood of immediate danger of harassment. "In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter." G.L. c. 258E, § 6

INSTRUCTIONS FOR USE OF THIS FORMS PACKAGE

This forms package has been promulgated by the Massachusetts Trial Court's Chief Justice for Administration and Management pursuant to G.L. c. 258E, §§ 6 and 11 for use by police departments to record a Harassment Prevention Order issued by a judge over the telephone when the court is closed for business. Additional supplies of this forms package may be obtained from your local District Court. Please keep any supplies of these forms under adequate security to prevent misuse.

- 1. COMPLAINT FOR PROTECTION FROM HARASSMENT.** It is preferable to have the Plaintiff complete and sign the Complaint form set, if the Plaintiff is able to do so, before contacting a judge. Please print in ballpoint pen and press hard enough so that all four parts (white, pink, yellow and white) are legible. There are instructions on the back of the form set to which the Plaintiff may refer.
In appropriate circumstances, a judge may issue an Order without the Plaintiff having completed and signed a written Complaint. If the judge does so, please discard the Complaint form set and advise the Plaintiff that G.L. c. 258E, § 6 requires the Plaintiff to appear in court on the next court business day to file such a Complaint.
- 2. AFFIDAVIT.** After the Complaint set has been completed and signed, separate the four parts from the form stub that holds them together. Turn over the original (white) part and ask the Plaintiff to describe the details of the harassment on the Affidavit form printed there. When the Affidavit is complete, please indicate by your signature that you have witnessed the Plaintiff's signature on the Affidavit.
In appropriate circumstances, a judge may dispense with the need for an Affidavit. If the judge does so, leave the Affidavit form blank.
- 3. PLAINTIFF CONFIDENTIAL INFORMATION FORM.** Ask the Plaintiff to complete the Plaintiff Confidential Information Form. Seal that form in an envelope marked "PLAINTIFF'S ADDRESS – CONFIDENTIAL."
- 4. DEFENDANT INFORMATION FORM.** Provide the Plaintiff with the Defendant Information Form and ask the Plaintiff to complete it to the best of his or her ability.
- 5. HARASSMENT PREVENTION ORDER.** Read or summarize the Complaint and Affidavit over the telephone as requested by the judge. Please inform the judge if the Plaintiff does not want his or her residence and workplace addresses to appear in the court Order and thereby to be disclosed to the Defendant. If the judge issues an Order, please complete the Harassment Prevention Order form set, item by item, as the judge directs. Print in ballpoint pen and press hard enough so that all six parts (white, pink, yellow, blue, green and white) are legible. Leave the space for "Docket No." blank, but enter the name and address of the court where the judge makes the Order returnable. Print your name and police department, and print the name of the judge issuing the Order, in the appropriate spaces. At the bottom left of the Order, print the name of the "First or Chief Justice" as indicated by the issuing judge. Leave blank the space where the clerk-magistrate may attest the Order.
- 6. COLLATING AND DISTRIBUTING COPIES.** Separate the six parts of each page of the Order form set from the form stub that holds them together. If the Plaintiff has completed the Complaint form, match up and staple together the copies of the Complaint form with the matching color copies of the Order form: the white (Court) copies, the pink (Plaintiff's) copies, the yellow (Defendant's) copies, and the white (Probation) copies.
Give the **pink** copies of the Complaint and Order to the Plaintiff.
Deliver the **white (Court)** copies and the **white (Probation)** copies of the Complaint and Order on the next business day to the clerk-magistrate of the court where the Order is returnable, along with the **Plaintiff Confidential Information Form** in a sealed envelope and the **Defendant Information Form**.
Arrange for the **yellow** copies of the Complaint and Order to be served on the Defendant as soon as possible. If service on the Defendant cannot be made before the date and time of hearing shown in the Order, service of additional Orders may be necessary.
The two remaining copies of the Order are for police use: the **blue** copy of the Order is for your records; the **green** copy of the Order may be used for the return of service that must be filed with the Court.