



Notice to Defendant Regarding c. 209A Abuse Prevention (Restraining) Order

This is information that may help you understand the terms of your order.

Massachusetts law allows judges to issue orders to protect people from abuse by family or household members. These orders are commonly called “Abuse Prevention Orders,” “Restraining Orders,” or “209A Orders.” The **plaintiff** is the person seeking protection from abuse. The **defendant** is the person accused of abusing the plaintiff. If a restraining order issued against you, that means you are the defendant and a judge found that an order is necessary to protect the plaintiff from abuse by the defendant.

It is important to read your order carefully so you understand what you can and cannot do. The types of relief a judge can order include, but are not limited to:

- **Do not abuse the plaintiff.** This means you cannot physically harm or threaten the plaintiff, do anything that makes the plaintiff afraid you will hurt them or limit their sense of autonomy, or force or threaten the plaintiff to have sex.
- **Do not contact the plaintiff.** This means you cannot contact the plaintiff in any way. This includes, but is not limited to, phone calls, text messages, emails, social media, cards, gifts, or having another person contact the plaintiff. This may also mean you must stay a specific number of feet or yards from the plaintiff. If you are somewhere and the plaintiff comes to that same location, you must leave that place as quickly as possible, even if you were there first.
- **Leave and/or stay away from the plaintiff’s home.** This means you must leave the home immediately and stay a specific number of feet or yards away from that home. It does not matter if your name is on the lease or if you own the home. If the home is an apartment, you may be ordered to stay away from the entire building. You must also surrender any keys to the home to the police. You cannot damage any of the plaintiff’s personal belongings, interrupt mail delivery to the plaintiff or shut off any utilities, even if the utilities are in your name.
- **Stay away from the plaintiff’s workplace and/or school.** This means you must stay a specific number of feet or yards from the plaintiff’s workplace and/or school. You must stay away from these addresses even if the plaintiff is not there at the time.
- **Temporary custody of any minor child(ren).** The child(ren) will live with the plaintiff.
- **Do not contact specific minor child(ren).** This means you cannot contact any child(ren) listed on the order in any way. This includes, but is not limited to, phone calls, text messages, emails, social media, or having another person contact the child(ren), unless specifically authorized by the order. This may also mean you must stay a specific number of feet or yards from the child(ren) and/or a school or daycare.
- **Pay temporary support.** This means you must pay for child support and/or support for the plaintiff.
- **Firearms surrender.** This means you cannot have any firearms, ammunition, licenses to carry firearms, or firearms identification cards. If you have any of these, you must immediately surrender them to the police.
- **Orders regarding domesticated animals.** This means you cannot harm any pet(s) and/or might have to turn over any pet(s) to the plaintiff.
- **Any other orders necessary to protect the plaintiff from abuse.** This may include things such as returning the keys to a car, staying away from another location, etc. The court may also order you to pay costs related to the abuse, such as medical bills or costs to change locks on a home.

This project was supported by subaward No. 15 JOVW 23-GG-0057 awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.



Notice to Defendant Regarding c. 209A Abuse Prevention (Restraining) Order

Important questions you may have about your order.

What happens next? Do I have to participate in follow up hearings about my protection order?

The date, time, and location of the courthouse for the next hearing is listed on the restraining order. If you do not participate in the hearing after receiving the order and the plaintiff does participate, the order may be extended for up to one year or more. If you want the court to consider anything you have to say or any evidence you would like to share, you must participate in the hearing on the date and time listed on the order. You may hire a lawyer to represent you, but you are not required to. All protection orders that are due to expire will stay in effect until the matter is heard by a judge on the scheduled hearing date. The court will tell you about any future in person or virtual hearing dates.

What happens if I violate the order?

A restraining order is a civil order, but a violation of the order may be a criminal offense. If the police see a violation of a restraining order or have probable cause, meaning a reason, to believe that you violated a restraining order, the police must arrest you. If you are on probation, violation of a restraining order could also be a violation of your probation. If you are found guilty of violating a restraining order, you could go to jail for up to 2 ½ years. A criminal conviction (even a continuance without a finding, also called a CWOFF) can affect your ability to get or keep a job, secure public housing, or continue the process to citizenship, including subject you to deportation.

The plaintiff told me it is okay to ignore the order. Am I still in violation of the order?

An abuse prevention order is a court order. That means that only a judge can change the order. The person who asked for the order **can't** change or end the order without going to the court and asking the judge to change the order. Even if the plaintiff seems to request or allow conduct forbidden by the order, you will be in violation of the abuse prevention order unless a judge has changed it.

What if I want to modify (change) or terminate (end) an order that was granted?

If you want to change or end an order, you must establish at a hearing before a judge in the same court that issued the order by clear and convincing evidence that the current order is no longer necessary to protect the plaintiff from abuse. You will need to complete a Motion to Modify or Terminate an Abuse Prevention Order/Harassment Prevention Order and file it with the court. A judge will consider your request and determine if you have made a sufficient showing to schedule a hearing with the plaintiff. If the court does schedule a hearing, the court will let the plaintiff know when the hearing will be. You are not to give or send the plaintiff notice of the hearing.

What if I disagree with the order?

If you do not agree with the judge's decision, you can appeal. You have 30 days to appeal after the judge makes their decision. No matter what court issued the order, you must appeal to the Appeals Court. To start your appeal, you must file a Notice of Appeal at the clerk's office of the court that issued the order within 30 days of your hearing.

What if the restraining order conflicts with an existing custody or parenting time order?

You must follow the restraining order issued by the court even if it conflicts with an existing custody or parenting time agreement you have with the plaintiff. If the restraining order says you cannot contact and/or must stay away from your child(ren) and you have a custody or parenting time order that says something different, you must go to Probate & Family Court to ask a judge to resolve the conflicting orders. Until then, however, you must follow the terms of the restraining order.

If I have to leave and stay away from the plaintiff's house, how do I get my things?

If the restraining order says you can pick up your personal belongings from the plaintiff's home, you can only do so by going with the police at a time the plaintiff allows. You must contact the local police to set up a time that they can go with you to get your clothes and other personal belongings you may need.

Who can I ask if I have questions about the order or the process?

During court business hours (8:30am – 4:30pm), you can contact the court that issued the order to ask questions. Clerical staff will help answer your questions and give you any paperwork you may need. Interpreters are available at no cost. Please tell the court if you need language help. If you have questions and the court is closed, please contact the police.