



Notice to Plaintiff 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 you asked the court for a restraining order, that means you are the plaintiff. If a judge granted your request for an order without notice to the defendant, meaning the defendant did not know about the hearing, the court will schedule another hearing within 10 days and send notice (let them know) to the defendant so they have an opportunity to be heard in opposition to the order. At that hearing, you will have to prove that continuing the order is necessary to protect you from abuse.

It is important to read your order carefully so you understand what relief the court has ordered. The types of relief a judge can order include, but are not limited to:

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

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Notice to Plaintiff 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. The location of the courthouse is also on the restraining order. If you want the current protection order to continue, 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. If you do not come to the hearing, the order will expire at 4 p.m. on the date listed on the order. If you come to the hearing, the order may be extended for up to one year or more.

What happens if the defendant violates the order?

A restraining order is a civil order, but a violation of the order is a criminal offense. If the defendant is found guilty of violating a restraining order, the defendant can go to jail for up to 2 ½ years. If the defendant violates the order, the defendant is subject to immediate arrest and you should call the police to report the violation.

Can the defendant still get in trouble for violating the order if I told them that it is okay to ignore it?

An abuse prevention order is a court order. That means that only a judge can change the order. Even though you asked for the order you **can't** change or end the order without going to the court and asking the judge to change the order. Even if you seem to request or allow conduct forbidden by the order, the defendant 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 can contact the same court that issued the order to ask the judge to change or end the order. You will need to complete a Plaintiff's Motion to Modify or Terminate an Abuse Prevention Order/Harassment Prevention Order form and file it with the court. After you file your request, the court will determine if there needs to be a hearing with the defendant. If you are not asking to increase the relief granted to you by the court, notice to the defendant of the hearing is not required. If you are asking for increased protection in the order, a hearing is required for the defendant to receive notice and have an opportunity to be heard on your request. The court will mail the defendant notice of the hearing date at least ten (10) days before the hearing.

What if I disagree with the order?

If you do not agree with the judge's decision or are not given everything you asked for, 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?

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

If the defendant has to leave and stay away from my house, how do they get their things?

If the restraining order says the defendant can pick up their personal belongings from your home, they can only do so by going with the police at a time you allow. The defendant must contact the local police to set up a time that the police can go with the defendant to get their clothes and other personal belongings they 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.