

## **NOTICE TO PLAINTIFF\* REGARDING ABUSE PREVENTION (RESTRAINING) ORDER.**

### **THIS IS INFORMATION ABOUT THE ABUSE PREVENTION ORDER THAT MAY HELP YOU UNDERSTAND THE TERMS OF THE ORDER. PLEASE READ THE ORDER CAREFULLY.**

**A restraining order is a court order.** This means that ONLY a judge can change the order. You CANNOT change or end the order without returning to court. Even if you request, agree, or allow the defendant\*\* to do something forbidden by the order, the defendant will be in violation of the restraining order and will be arrested even if you do not want that to happen.

**A restraining order is a civil order but a violation of the order is a criminal offense.** If you believe that the defendant has violated the order, you should report the violation to the police. A defendant found guilty of violating a restraining order can go to jail for up to 2 ½ years and / or be placed on probation. A criminal conviction (even a continuance without a finding) can (among other things) affect the defendant's ability to obtain employment, public housing, or citizenship, or result in deportation. If the police observe a violation of a restraining order or have probable cause to believe that the defendant has violated the restraining order, the police are required to arrest the defendant.

#### **If the defendant is ordered not to abuse you, this means that:**

- The defendant cannot physically assault or threaten you.
- The defendant cannot do anything that gives you reason to fear that the defendant might cause you physical harm.
- The defendant must not use force or a threat of any kind to make you have sex unwillingly.

#### **If the defendant is ordered to have no contact with you, this means that:**

- The defendant cannot live with you.
- The defendant must stay so many feet or yards away from you. The distance is listed on the order.
- The defendant cannot contact you in any way. This includes, but is not limited to, phone calls, text messages, emails, cards, and gifts. The defendant may not contact you through friends, relatives (including children), neighbors, or anyone else, or by sending or posting messages on Facebook, Twitter, SnapChat, LinkedIn, or any other social network site, unless specifically allowed in the restraining order.
- If the defendant is somewhere and you come to that same location, the defendant must leave that place as quickly as possible even if the defendant was there first.

#### **If the defendant is ordered to leave a residence, this means that:**

- The defendant must leave the residence immediately and stay away from that address while the order is in effect. The defendant must stay away from the address even if you are not there. If the residence is an apartment, the defendant may be ordered to stay away from the entire building, even if the lease is in the defendant's name.
- The defendant cannot damage the residence in any way.
- The defendant cannot shut off any utilities or interrupt mail delivery to you. These orders apply even if the lease and / or utilities are in the defendant's name.

#### **If the defendant is ordered to stay away from your work, this means:**

- The defendant must stay away from the place where you work as long as the order is in effect. The defendant must remain away from that address even if you are not there at the time.

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\* The plaintiff is the person who asked the court to issue the order

\*\* The defendant is the person the order is issued against.

**If the defendant is ordered to surrender firearms, this means:**

- The defendant must immediately transfer possession of any firearms, ammunition, license to carry firearms, or firearms identification card that he or she has to the police department listed on the order.
- The defendant may not purchase any firearms or ammunition while the order is in effect.

**If you have been given custody of the children, this means:**

- The children will live with you unless or until a judge changes that order.

**If the defendant is ordered to have no contact with the children, this means that:**

- The defendant must stay so many feet or yards away from the children. The distance is listed in the order. The defendant cannot have contact with the children while the restraining order is in effect, unless or until the Probate & Family Court permits such contact with the children.
- The order may include that the defendant stay a specific number of feet or yards away from a child's school or daycare.
- If the defendant is permitted to have contact with the children but not with you, and the children live with you, the defendant must speak only to the children.
- If, after you have gotten an order in District, Boston Municipal, or Superior Court, you and the defendant are in Probate & Family Court on a family case, a Probate & Family Court judge has the authority to change or even end the restraining order if necessary to eliminate any conflict between the restraining order and the order issued in the Probate & Family Court matter. For example, if a Probate & Family Court judge grants a parenting schedule, then the Probate & Family Court judge can change the "no contact" provision in the restraining order to allow the parenting schedule, and can also change the "stay away" provision in the restraining order to allow for specific times for pickup and return. All of the other parts of the restraining order that do not conflict with the Probate & Family Court order shall remain in effect.

**IMPORTANT THINGS TO KNOW:**

If you received an *ex parte* restraining order (one issued by a Judge in Court without notice to the defendant), the order will be in effect for not more than ten (10) days. The date for the next court hearing is listed on the second page of the restraining order. The name and location of the court that issued the restraining order is listed at the top right hand corner of the restraining order. The police will give the defendant a copy of the *ex parte* order. During the hearing the judge will listen to evidence presented by both sides and decide if the restraining order should continue in its present form, be changed in some way(s) or be terminated (ended).

If you do not appear at this next hearing, the order will be terminated (ended) at 4 p.m. on the day of the hearing. If the defendant does not come to the hearing, but you do, the Court may extend the restraining order for up to one year.

If you want to change or end the restraining order after it has been issued, you can go to the court that issued the restraining order to file a request that the judge make changes or end the order. The courts are generally open Monday to Friday from 8:30 a.m. - 4:30 p.m. If you wish to remove some of the restrictions on the defendant, the judge may hear you right away, or the judge may set a date for a hearing on your request and notify the defendant of the hearing date. If you wish to have greater restrictions on the defendant because there has been a change in circumstances, the judge may hear you right away if there is a need for an immediate hearing, or the judge may set a date for a hearing and notify the defendant of the hearing date. Court staff in the Clerk's or Register's office will let you know whether they will notify the defendant of the next hearing date or if you have to send notice to the defendant of the hearing date.