



Find out how abuse prevention orders work

Chapter 209A allows a judge to issue a variety of types of court orders. An abuse prevention order can include any provisions that a judge thinks are needed to keep you safe.

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What can I request under an abuse prevention order?

You can request that the defendant be ordered not to abuse you. This means that the defendant can't:

- Physically assault or threaten you
- Do anything that makes you reasonably fear that the defendant might cause you physical harm
- Use force or a threat of any kind to make you have sex

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You can request that the defendant be ordered to have no contact with you. This means that the defendant:

- Can't live with you
- Must stay a specific number of feet/yards away from you. The distance that the defendant must stay away from you is listed on the order.
- Can't contact you in any way. This includes, but isn't limited to, phone calls, text messages, emails, gifts and contact through friends, relatives, neighbors or anyone else, sending or posting messages on Facebook, Twitter or any other social media site, unless specifically allowed in the order.
- Must leave a place as quickly as possible if you're already at a place and the defendant comes to that same location

You can request that the defendant be ordered to leave a home. This means that the defendant:

- Must leave your home immediately and stay away from that residence while the order is in effect, even if you aren't there at the time. If the residence is an apartment, the defendant may be ordered to remain away from the entire building, even if the lease is in the defendant's name.
- Won't damage the residence in any way
- Won't shut off any utilities or interrupt your mail delivery

You can request that the defendant be ordered to stay away from your work. This means that the defendant:

- Must stay away from the place where you work as long as the order is in effect, even if you aren't there at the time

You can request that your home, work, and/or school address not appear on the order. This means that:

defendant violates an abuse prevention order

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- If the defendant doesn't know your current home, work or school address(es), you can request that these addresses be kept confidential. This information would only be available to the court, the police, the district attorney, or others specifically allowed by you or the court. In all cases, this information isn't available to the public.

You can request that you're given custody of children. This means that:

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

You can request that the defendant also be ordered to have no contact with the children. This means that:

- The defendant must stay a specific number of feet/yards away from them (the distance is listed on the order) and have no contact with them while the order is in effect unless and until a judge allows contact with the children. The court can also order the defendant to stay a specific number of feet/yards away from a child's school or daycare.
- If the defendant is allowed to have contact with the children, but not with you, and the children live with you, the defendant must speak only to the children, not to you.

The Probate and Family Court can change a District Court judge's restraining order with regard to custody and contact with children. Even if the Probate and Family Court changes the parts of the order that deal with the children, all other parts of the District Court order remain in effect.

You can request that the defendant be ordered to pay certain money. This means that the defendant can be ordered to pay:

- Temporary support, if they are legally obligated to do so (for example, if you're married)
- Child support for their children, or

- Costs related to the abuse, such as medical bills, lost wages, or for changing the locks

If the judge issues a 209A order, the defendant will be ordered to give up firearms. This means that the defendant:

- Must immediately transfer possession of any firearms, ammunition, license to carry a firearm or firearms identification card that they have to the police department listed on the order
- Can't buy any firearms or ammunition while the order is in effect

Can I request an abuse prevention order without telling the defendant?

The court may issue an abuse prevention order without the defendant having notice if there's a substantial likelihood of immediate danger of abuse. This is called an **ex parte order**. You file a complaint form that includes an affidavit (described below) and a hearing is held right away without letting the defendant know. The court can issue an ex parte order that can last for up to 10 business days. The court will schedule a hearing within 10 business days and then notify the defendant about the ex parte order. The defendant has a right to attend that hearing to argue that all or part of the order shouldn't be continued. At that hearing, often referred to as the 10-day hearing, the judge will hear from you and the defendant, if the defendant appears.

The judge may also decide not to issue an ex parte order at that time. If the judge doesn't think that there's a basis to grant an abuse prevention order, the request will be denied. If the judge thinks that there's not a substantial likelihood of immediate danger of abuse, the request may be put off, and

a hearing will be set up at a later time. The defendant will be given notice of that hearing and have the right to attend that hearing. At this hearing, both you and the defendant will have the right to tell the court why an abuse prevention order should or shouldn't issue. If the judge doesn't issue an ex parte order but wants to set up a hearing where the defendant will be present, you may decide not to go forward with your complaint and ask that the hearing not be scheduled.

How long does the order last?

The first order you get, if the defendant isn't present, is only good until you have a court hearing where the defendant has an opportunity to tell their side of the story. This is scheduled within 10 business days, so it's commonly called a 10-day hearing, but it may be in less than 10 days. The judge will tell you when this hearing will be held when they issue the first order. The date of this hearing will also be on the order.

If you get an emergency order when the court isn't in session from a judge over the phone and the defendant is also arrested, the defendant might be at the same court where you go to get the order extended. In that case, the judge will hold a hearing with both you and the defendant and may grant an order for up to a year.

What if I want to change or end the order?

An abuse prevention order is a court order. That means that only a judge can change the order. The person who requested the order **can't** change or end the order without going back to court. Even if the plaintiff seems 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.

If you want to change or end the order, you can go to the same court that issued the order Monday–Friday, 8:30 a.m. to 4:00 p.m. to ask the judge to change or end the order. The clerk-magistrate’s office can help you file documents to make this request.

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