

SUBSTANTIVE DIFFERENCES BETWEEN G.L. c. 209A and G.L. c. 258E

	<i>Abuse Prevention Orders (G.L. c. 209A)</i>	<i>Harassment Prevention Orders (G.L. c. 258E)</i>
<i>Jurisdiction</i>	<ul style="list-style-type: none"> • District Court & BMC • Probate & Family Court • Superior Court <i>(except for dating relationships)</i> 	<ul style="list-style-type: none"> • District Court & BMC • Juvenile Court <i>(if both parties under 17)</i> • Superior Court
<i>Venue</i>	<ul style="list-style-type: none"> • Plaintiff's residence • Plaintiff's former residence left to avoid abuse 	<ul style="list-style-type: none"> • Plaintiff's residence
<i>Eligibility for relief</i>	<p>“Suffering abuse”</p> <p>“Abuse” is any of the following acts between family or household members:</p> <ul style="list-style-type: none"> • attempting to cause or causing physical harm • <i>or</i> placing another in fear of imminent serious physical harm • <i>or</i> causing another to engage involuntarily in sexual relations by force, threat or duress. <p>“Family or Household Members”</p> <ul style="list-style-type: none"> • are or were married to one another • <i>or</i> are or were residing together in the same household • <i>or</i> are or were related by blood or marriage • <i>or</i> have a child in common regardless of whether they have ever married or lived together • <i>or</i> are or have been in a substantive dating or engagement relationship. 	<p>“Suffering harassment”</p> <p>“Harassment” is defined as:</p> <ul style="list-style-type: none"> • 3 or more acts– <ul style="list-style-type: none"> □ Each aimed at a specific person □ Each was willful and malicious □ Each was done with intent to cause fear, intimidation, abuse or property damage □ Each did in fact cause fear, intimidation, abuse or property damage • <i>or</i> one act that “by force, threat or duress causes another to involuntarily engage in sexual relations” • <i>or</i> one act that constitutes one of the following: <ul style="list-style-type: none"> □ Indecent A&B on a child (G.L. c.265, §13B) □ Indecent A&B on a mentally retarded person (§13F) □ Indecent A&B (§13H) □ Rape (§22) or Statutory rape (§23) □ Forcible rape of a child (§22A) □ Assault with intent to rape (§24) □ Assault with intent to rape a child (§24B) □ Enticement of a child (§26C) □ Criminal stalking (§43) □ Criminal harassment (§43A) □ Drugging for sexual intercourse (c. 272, §3) <p>“Abuse” is:</p> <ul style="list-style-type: none"> • attempting to cause or causing physical harm to another • <i>or</i> placing another in fear of imminent serious physical harm. <p>“Malicious” is “characterized by cruelty, hostility or revenge.”</p>
<i>Eligibility for ex parte relief</i>	Substantial likelihood of immediate danger of abuse	Substantial likelihood of immediate danger of harassment
<i>Available relief</i>	<p>Relief may include, but is not limited to:</p> <ul style="list-style-type: none"> • Do not abuse the plaintiff • Do not contact the plaintiff • Vacate and remain away from the plaintiff's household, multiple family dwelling, and workplace • Pay restitution for directly-resulting losses • Impounding information pursuant to court rules • Pay temporary support for the plaintiff and/or child • Temporary custody of a minor child • Surrender firearms, gun licenses and FID cards 	<p>Relief is limited to:</p> <ul style="list-style-type: none"> • Do not abuse or harass the plaintiff • Do not contact the plaintiff • Remain away from the plaintiff's household or workplace • Pay restitution for directly-resulting losses • Impounding information pursuant to court rules