

## AM I ELIGIBLE FOR A RESTRAINING ORDER?

### ABUSE PREVENTION ORDERS

You may request an Abuse Prevention Order (a “209A Order”) from a judge of this court if:

1. You and your abuser are or were:
  - married,
  - or residing together in the same household,
  - or in a substantive dating or engagement relationship,
  - or related by blood or marriage,
  - or you have a child in common;
2. *and* you are suffering from abuse because your abuser has:
  - harmed or attempted to harm you physically,
  - or put you in fear of imminent serious physical harm,
  - or caused you to engage in sexual relations involuntarily by using force, threat or duress;
3. *and* you:
  - currently live within the geographical area of this court,
  - or used to live within the geographical area of this court but you left to avoid abuse.

A judge may issue an Abuse Prevention Order *without prior notice* to your abuser if there is a substantial likelihood of immediate danger of abuse.

### HARASSMENT PREVENTION ORDERS

You may request a Harassment Prevention Order (a “258E Order”) from a judge of this court if:

1. You are suffering from harassment because:
  - someone has committed 3 or more acts:
    - that were willful and malicious,  
*“Malicious” means characterized by cruelty, hostility or revenge.*
    - and were aimed at you,
    - and were intended to cause you fear, intimidation, abuse or damage to property,  
*“Abuse” means causing or attempting to cause physical harm, or causing fear of imminent serious physical harm.*
    - and did in fact cause you fear, intimidation, abuse or damage to property;
  - *or* someone has caused you at least once to engage in sexual relations involuntarily by using force, threat or duress;
  - *or* someone has committed against you at least once an act that violates any of the following statutes: General Laws chapter 265, §§ 13B, 13F or 13H (indecent assault and battery), 22 or 22A (rape), 23 (statutory rape), 24 or 24B (assault with intent to rape), 26C (enticing a child), 43 (criminal stalking), 43A (criminal harassment), or chapter 272, § 3 (drugging for sexual intercourse);
2. *and* you currently live within the geographical area of this court.

A judge may issue a Harassment Prevention Order *without prior notice* to your harasser if there is a substantial likelihood of immediate danger of harassment.

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