reimburse you for any abuse related expenses, such as damage to property, cost to replace household locks, or medical and dental expenses.

What if my need for protection changes?

Even after the order is granted, you may file at any time to have it changed or removed. You may wish to discuss this option with the Victim Witness Advocate.

What if the courts are closed when I need to get an Abuse Prevention Order?

During non-business hours, you may request an Emergency Restraining Order through your local Police Department. This order is valid until the next business day, when you must bring the order with you and appear in court.

A violation of an Abuse Prevention Order is a criminal offense.

You should contact the police if the abuser violates the terms of the order. Make sure that you have a copy of the order in your possession at all times to show the police.

Will the Abuse Prevention Order protect me?

Obtaining an Abuse Prevention Order is one strategy in developing a larger safety plan for you and your family. Other safety measures to consider:

- Keep a copy of the Abuse Prevention Order in your possession at all times, and leave an extra copy with your neighbors, coworkers, or any of your children's teachers or caretakers.
- Contact your Victim Witness Advocate or a Domestic Violence Agency in your community for information on local support groups, resources, and shelters.
- Speak to friends, family members or neighbors about the order and request that they call the police if necessary to protect you.
- Teach your children to dial 911 in an emergency.
- Identify a safe place where you can go should you need to leave your residence during an emergency. Keep your keys, money, and important documents in a secure, accessible place. Discuss your safety plan with a counselor, family member, or friend.

Assistance for Victims and Witnesses

At a time like this, it helps to know that you are not alone. An advocate from the Victim Witness Services Bureau of the Middlesex District Attorney's Office is available to assist you in each of our twelve district courts.

Victim Witness Advocates are able to:

- Provide information on your rights as a victim or witness to domestic violence
- Help you seek a protective order
- Explain the criminal justice system
- Refer you to services in your area
- Offer options and support

To speak with an advocate, please call your area District Attorney's Office listed below.

Ayer	(781) 897-8750
Cambridge	(781) 897-8550
Concord	(781) 897-8775
Framingham/ Natick	(781) 897-8800
Lowell	(781) 897-8900
Malden	(781) 897-8675
Marlborough	(781) 897-6775
Newton	(781) 897-8625
Somerville	(781) 897-8575
Waltham	(781) 897-8650
Woburn	(781) 897-8725
Victim Witness Bureau	(781) 897-8490
Post-Conviction Advocate	(781) 897-8532
*Family Protection Bureau	(781) 897-8452

*Family Protection Bureau includes the Child Abuse Unit, Domestic Violence Unit and Elder/Disabled Unit

Helpful Contacts

Police: .....

Court: .....

Advocate: .....

.....

.....

Family/
Friends: .....

.....

.....

.....

10-Day Hearing Date:

.....

Victim Witness Services Bureau
15 Commonwealth Avenue
Woburn, MA 01801
(781) 897-8490

You have the right to be safe and be free from abuse

Understanding Restraining Orders

A Guide to the 209A Abuse Prevention Law

Middlesex District Attorney
Marian T. Ryan

www.middlesexda.com

The Abuse Prevention Order

Massachusetts General Laws, Chapter 209A

Middlesex District Attorney
Marian T. Ryan

Dear Friend,

As District Attorney, I am committed to keeping our communities safe and holding abusers accountable through vigorous prosecution and innovative prevention initiatives. Victims range from young children and high school students to adults and the elderly. Domestic violence crosses all races, religions, sexual orientations, and social-economic positions. It is found in large cities, suburbs and rural areas across Middlesex County.

Abuse Prevention Orders are an effective option for anyone who is in fear of being abused or who has been threatened, battered, or forced to engage in sexual relations by a current or former spouse, partner or family member. Middlesex Victim Witness Advocates are trained and available to help guide you through this process. If you have any questions about how or when you can apply for a restraining order, or if you would like to seek an order, please contact an Advocate at one of the phone numbers listed in this brochure.

I hope that the information in this brochure will help you or someone you know seek protection. Everyone has the right to be safe and free from abuse, especially in their own home.

Frequently Asked Questions

What is an Abuse Prevention Order?

An Abuse Prevention Order, also known as a 209A Restraining Order, is a court order issued by a judge. It is a legal document that imposes various forms of restraints on an abusive person.

Is an Abuse Prevention Order a criminal charge?

No, it is a civil court order that offers you rights and protections from abuse and can be enforced by the police. It will not result in criminal charges or a criminal record for anyone. However, if the abuser violates certain provisions of the order, it becomes a criminal matter.

What if I want to file criminal charges?

A Victim Witness Advocate of the District Attorney's Office can help you make contact with your local police department and can explain how to fill out an application for a criminal complaint which, if issued, may result in criminal charges being brought against the abuser.

How do I apply for an Abuse Prevention Order?

You must go to the clerk's office of the district, probate or superior court that has jurisdiction over the town where you currently live. If you fled your residence to avoid abuse, you may file in a court that has jurisdiction over your former address to prevent your whereabouts from being known. There, you must fill out an application for the order and also write an affidavit (a sworn statement) explaining why you are asking for the court's protection. Ask to speak with a Victim Witness Advocate, who is available to assist you through the application process.

What happens after I file the application?

The day you file, you will appear before a judge, who will decide whether to give you a Temporary Abuse Prevention Order. The Temporary Order is valid for up to ten days. You will receive a copy of the Temporary Order, and you will be given a hearing date within ten days to return to the court. At that hearing, you may request the order be extended for up to a year at a time.

Is the abuser notified of the Temporary Order?

Yes. The police are responsible for serving a copy of the order to the alleged abuser. Any information you can provide on the whereabouts and best times to find the abuser is helpful. You can call the police or Victim Witness Advocate later to check whether the order has been served. You should keep a copy of the order in your possession at all times.

What can I expect at the Ten Day Hearing?

You must attend the Ten Day Hearing or the Temporary Order will be dismissed. You can do this on your own without the assistance of an attorney or you may have an attorney if you wish. You may also bring an advocate or a friend for support. Physical evidence (photographs, medical records, police reports) and/or witnesses are not required to corroborate abuse or the potential for abuse. However, you may bring any documents or witnesses to the hearing, but it is at the discretion of the judge whether to consider them. Your testimony is the primary evidence that the judge will consider. The abuser has the right to be present and to speak to the judge at the hearing, but his or her attendance is not required. The judge will decide whether to extend the order for up to one year after listening to both sides.

What can I ask for through the Abuse Prevention Order?

The judge may order the abuser to abide by a number of conditions in the order. They include:

A family or household member is defined by law as a spouse or former spouse, a household member or former household member, a blood relative or a minor child, the parent of your minor child, or a person with whom you have had a substantial dating relationship.

You are entitled to protection from abuse whether or not you are currently living in the same household as the abuser.

- ***Refrain from abuse:*** The abuser is ordered to refrain from hurting you, including threats or attempts to hurt you.
- ***No contact:*** The abuser is ordered to have no contact with you or your minor children in person, by telephone, mail, e-mail, through a third party or by any other means.
- ***Address impoundment:*** This ensures that your current address is not included in the court record available to the abuser.
- ***Vacate the premises:*** If you and the abuser share the same residence, the abuser can be ordered to leave, regardless of who pays the mortgage/rent. *The judge may grant the abuser permission to enter the residence accompanied by a police officer to pick up personal belongings before vacating the premises.*
- ***Child/spousal support:*** You have the right to request that the abuser pay child support and/or spousal support if he or she has a legal obligation to do so.
- ***Temporary custody:*** This grants you temporary custody of any minor child(ren) in your care.
- ***Surrender weapons:*** This order immediately suspends the abuser's ability to possess weapons legally and orders him or her to surrender firearm(s), license and any ammunition to the police.

In addition, the judge may order any other condition that the court deems fit to keep you safe. The judge may also recommend that the abuser enroll in a Certified Batterers' Program and order the abuser to