

Restraining Order Information



What is a restraining order?

- A restraining order is a court order intended to protect one person from being abused by another person
- Chapter 209A of the MA law is the statutory basis for obtaining a restraining order (also known as a protective order or abuse prevention order).
- 209A orders are civil orders, but if an abuser violates a 209A, they can be charged with a criminal violation.

Who can get a 209A order?

An abused person can seek a restraining order under 209A if they have had one of the following kinds of relationships with the abuser:

- Married to one another now or in the past
- Have been in a dating relationship
- Related to one another now or in the past
- Both are parents of the same child
- Both have lived in the same household

What does the abused person need to prove to get a 209A?

The law says that a person can get a restraining order if they show that the abuser:

- Attempted to cause physical harm (ex. tried to hit or push the person)
- Caused physical harm (ex. hit the person)
- Placed the person in fear of imminent serious physical harm (ex. threatened to strangle the person)
- Caused the person to have sexual relations by force, threat, or duress (ex. rape)

What kind of orders can judges in a 209A case issue for the person seeking protection from abuse?

- An **order to refrain from abuse**, this usually includes an order directing the abuser to stop threatening or hurting the victim
- A **no contact order**, this orders the abuser to refrain from any contact with the victim.
- A **stay away order**, this orders the abuser to stay a certain distance away from the victim at his or her work place, school, or home
- A **vacate order**, this orders the abuser to move out of the home
- **Temporary custody**, usually this is an order stating that the Plaintiff (person who requested the 209A) is to have temporary custody of the children. Both district court and probate court judges can order that the Plaintiff have custody. District court judges cannot order visitation for the Defendant unless the parties make an agreement to that effect.
- An **order for child support**. This orders the Defendant to pay temporary support for the Plaintiff and children. Often district court judges will discourage a Plaintiff from seeking child support in a 209A case, saying that this has to be done by a probate and family court judge. This is not a correct application of the law. District court judges can order child support in a 209A case and should do so if it is requested.

