



ASIAN TASK FORCE
Against Domestic Violence

Restraining Orders

Frequently Asked Questions

Legal Advocacy Program

24-hour multilingual helpline

(617) 338-2355

www.atask.org



Legal Advocacy Program

Our Legal Advocacy Program strives to fill a critical gap in free legal services to victims of domestic violence and sexual assault of Asian or Asian-American heritage.

Started in 2009, we have been providing holistic multi-lingual and multi-cultural legal advocacy, representation, and counseling to ATASK clients to help secure their legal rights to become safe and independent individuals, freeing them from patterns of power and control used by abusers.

Our history of collaboration with community-based organizations, law schools, legal services and pro bono attorneys mean that we work diligently to ensure that no survivor is turned away without legal representation, strategic assistance, guidance, or a successful referral.

Disclaimer: The content of this page is for limited informational purposes only and is not legal advice. Before you decide on any course of action, ATASK strongly encourages you to seek the advice of a Massachusetts lawyer to help you analyze your unique and specific situation to find a solution best tailored to your needs.

How can I protect myself from physical abuse?

You can seek a 209A domestic violence restraining order which is an abuse prevention order.

A 209A restraining order is a court order requiring the abuser to stop causing you further harm. The court order may require the abuser to:

- stop abusing you
- stop contacting you
- stay away from your home and workplace
- move out
- pay child support

It can also give you temporary custody of your child(ren). If you have moved out of your home, the restraining order can help you safely retrieve your personal belongings including immigration and identification documents.

Your abuser could be a current or ex-spouse, current or former dating partner, a housemate or roommate, or any relative related to you by blood or marriage.

Am I eligible for a 209A order?

- 1) You and your abuser are/were involved in an intimate relationship, live or lived in the same home, or are related by marriage or blood; **AND**
- 2) S/he must have threatened or attempted to inflict bodily harm, **OR** did inflict bodily harm, **AND**
- 3) You fear the abuse will happen again in the immediate near future.

If someone I have no domestic relationship with is abusing or harassing me, what can I do to make him/her stop?

You may be able to obtain a 258E Harassment Prevention Order from court. This order does not require you to have any kind of special relationship with the abuser.

How do I know if I am eligible for a harassment prevention order?

You are eligible if you can show the court that your abuser:

1) committed 3 willful and malicious acts against you that intended to and did cause fear, intimidation, abuse, or property damage;

2) forced you to engage in sexual relations;

or

3) committed certain crimes including, but not limited to, criminal stalking, criminal harassment, rape, indecent assault & battery, or battery of a child.

A harassment prevention order can require your abuser to:

- stop harassing and abusing you
- stop contacting you
- stay away from your home and workplace
- pay you monetary damages, in some cases

Violating this order would be a crime.

You do not need to have any kind of domestic, family, or dating relationship with your abuser. You can use this to protect yourself against employers, co-workers, friends, acquaintances, strangers, etc.

How do I get a restraining order?

If your life is at risk and you need immediate protection, always call the police: 911

209A Domestic Violence Restraining Orders:

During normal business hours when courts are open, you may go to the closest District Court to your home.

If you anticipate a divorce or complicated custody and support issues, go instead to the Probate and Family Court in your county.

If you need help with the proceedings, which consists of completing forms, submitting a sworn statement, and speaking to a judge in court, some district courts offer victim services and some Probate Courts have free lawyers for the day.

258E Harassment Prevention Orders:

When the courts are open, you must go to the District Court, Boston Municipal Court, Superior Court, or Juvenile Court that covers the area where you live and file your request there.

What if the courts are closed?

Go to the police. If you need a restraining order and the courts are not open, you may contact the police to get an emergency temporary order. However, you must go to the court the next business day and complete your full request in order to continue the protection order.

“willful” means on purpose; “malicious” means cruel, hostile or vengeful, “abuse” means physical harm, threats of physical harm, or causing fear of imminent physical harm. Keep a written record of harassment dates and incidents so that you can accurately report such incidents to the police and to the court. It is best to have this accurate information when applying for a harassment prevention order.

What happens if my abuser violates the restraining order requirements?

The restraining order itself is not criminal in nature. However, if your abuser violates the order, the violation is a criminal offense.

If you want the courts to enforce your protection order, you must report violations to the police. If you report the incident to the police and they have good reason to believe that the order has been violated, the police **MUST** arrest your abuser, and they can charge him with a crime. You may be asked to testify against him.

If the police do not arrest your abuser, you can go to the District Court and file a criminal complaint against your abuser yourself. The government may choose to prosecute based on your complaint.

If a violation occurs, make a written note of the time, place and circumstances so that you can report it accurately to the police, and later in court.

How long does my order last? If I need to move, is my restraining order still valid?

Abuse and harassment prevention orders typically lasts *up* to a year. Repeated annual extensions may be replaced by a permanent order in some cases.

Your Massachusetts restraining order is legally valid anywhere in the United States. It is a good idea to call a domestic violence program before leaving to check how a MA order is handled in the state you are traveling to.

MA will enforce any valid restraining order issued by any other US state. You may go to a court or police station to submit your out-of-state restraining order for certification.

In order to change, cancel early, or extend a restraining order, you must return to the original court that issued the original order. This means that if you got your Order in MA, and then moved to another state, you must return to MA to change, cancel, or extend the Order.

Need more help?

In an emergency please call 911

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| Safelink | 1-877-785-2020 |
| | 1-877-521-2601 |
| Greater Boston Legal Services | 617-371-1234 |
| | 800-323-3205 |
| Legal Advocacy and Resource Center, Inc..... | 617-603-1700 |
| | 800-345-5297 |
| Metro West Legal Services | 508-620-1830 |
| | 800-696-1501 |
| Northeast Legal Aid | 978-458-1465 |
| | 800-336-2262 |
| National Lawyers Guild | 617-227-7008 |
| Boston Bar Association Lawyer Referral Service ... | 617-742-0625 |
| | 800-552-7046 |
| Massachusetts Bar Association | 617-654-0400 |
| | 866-627-7577 |

ATASK is a domestic violence (DV) agency for pan-Asian victims and survivors in New England, serving clients in 14 Asian languages. Our mission is to prevent domestic violence in Asian families and communities and to provide hope to survivors.

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Vietnamese
Cantonese; Mandarin
Taiwanese
Indonesian
Hindi
Nepali
Urdu

Thai
Tagolog (Filipino)
Mien
Khmer (Cambodian)
Japanese
Korean
Manipuri

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