

What Is A 209A Order?

An Abuse Prevention Order, called a "209A Order," or a "protective order," or "restraining order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member.

Who Can I Obtain A 209A Order Against?

- A spouse or former spouse
- A present or former household member
- A relative by blood or a present or former relative by marriage
- The parent of your minor child
- A person with whom you have or had a substantial dating relationship.

Where Can I Get A 209A Order?

A 209A Order can be obtained in any District Court, Superior Court, or Probate and Family Court in Massachusetts. An emergency 209A Order can be obtained from any Police Department after the normal business hours of the Court, such as on weekends and holidays. You do not need a lawyer to file for a 209A Order and there is no charge for filing.

How Can I Get An Order In District Court?

Should you decide to go to a District Court for a 209A Order, you may go to the District Court in the area where you live or, if you have fled to another area to avoid abuse, you may go to the District Court in the area where you now live. Go to the Clerk's Office in the court and ask for a "protective order" or a "209A Order," You will receive a packet of forms to complete as an application for a protective order.

In some courts, there may be a Court Advocate from a local battered women's service agency to help you with the form. A Victim/Witness Advocate from the District Attorney's Office is also usually available for assistance and to discuss the option of filing criminal charges against your abuser. Ask someone at the Clerk's Office to direct you to the District Attorney's Victim/Witness Office for help. You do not have to file criminal charges in order to obtain a 209A Order. However, criminal charges can be helpful in holding a batterer responsible for criminal acts committed against you. If there is a criminal violation, the Court can also require a batterer to obtain counseling or other treatment.

What Happens If The Order Is Violated?

Once a 209A Order is issued, violation of certain terms of the Order is a criminal offense. Violations of orders to refrain from abuse, to have no contact, and to vacate a household, multiple family dwelling or workplace, can be prosecuted criminally under chapter 209A. If the abuser violates the order, call the police immediately. Show the Order to the police and explain how it was violated (a punch, slap, threat; entering your house or apartment or refusing to vacate; or, any contact with you at home or your workplace, either in person, by telephone or mail). The police must arrest the abuser if they believe or can see that the terms of the Order were violated. If you do not call the police, you may be able to file an application for a criminal complaint on your own at the Clerk's Office in the District Court. A Victim/Witness Advocate can assist you with that process. If you put yourself in contact with the abuser, he is vulnerable to arrest. Therefore, if you want any terms of the order to no longer apply, you should return to court and ask that the order be modified or vacated.