

Tuesday, May 4, 2010 Training
For Pro Bono/Legal Services Attorneys

**REPRESENTING CLIENTS UNDER THE NEW
HARASSMENT ORDER STATUTE, G.L. c. 258E**

- Introduction – *Sue Finegan, Mintz Levin*
- Overview and the Need for 258E – *Helen Guyton, Mintz Levin*
- Statutory Framework: Individuals Covered, Process, Remedies – *Sue Finegan, Mintz Levin*
- Punishment for Violation, Law Enforcement Obligations under 258E, and Pending Amendments – *Elissa Flynn-Poppey, Mintz Levin*
- Court Forms and Trainings – *Jamie Sabino, Administrative Office of the Trial Court*
- The Prosecutor’s Perspective – *David Deakin, Suffolk County District Attorney’s Office*
- Working with a Sexual Assault Survivor – *Colby Bruno, Victim Rights Law Center*
- Questions

HOSTED BY
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

IN PARTNERSHIP WITH
VICTIM RIGHTS LAW CENTER
THE DOMESTIC AND SEXUAL VIOLENCE COUNCIL (DSVC)
WOMEN’S BAR FOUNDATION’S FAMILY LAW PROJECT

**An Act Relative to Harassment
Prevention Orders
G.L. c. 258E**

**Educational Resource Materials
Spring 2010**

Current as of May 4, 2010 (excluding any information on pending amendments)

Overview of G.L. c. 258E

- G.L. c. 258E is a new law that allows victims of stalking, sexual assault and/or harassment to obtain a harassment order against his/her perpetrator.
- Governor Patrick and Lt. Governor Murray signed the bill into law on February 9, 2010.
- 258E goes into effect on May 10, 2010.
- The domestic violence restraining order law - G. L. c. 209A - has not been amended and is still in full force and effect.

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Overview of G.L. c. 258E

- A victim/plaintiff is not required to pay a filing fee.
- The statute was drafted so that a victim can file a complaint in court without necessarily needing legal representation.
- While obtaining the harassment order is a civil process, a violation of the harassment order is criminally enforceable.
- There is no relationship requirement to obtain this harassment order.

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Presentation Outline

- This presentation will cover:
 - The need for 258E -- Helen Guyton;
 - The statutory framework: individuals covered, process, remedies -- Sue Finegan
 - Punishment for violation, law enforcement obligations under 258E, pending amendments -- Elissa Flynn-Poppey
 - Court forms and trainings -- Jamie Sabino
 - The Prosecutor's Perspective -- David Deakin
 - Working with a sexual assault survivor -- Colby Bruno
 - Questions

Need for G.L. c. 258E

- Under the domestic violence restraining order law -- 209A -- victims have to fulfill a relationship requirement to qualify for a restraining order:
 - Are or were married to one another;
 - Are or were residing together in the same household;
 - Are or were related by blood or marriage;
 - Have a child in common; or
 - Are or have been in a substantive dating or engagement relationship.

Need for G.L. c. 258E

- Many victims of stalking, sexual assault, and harassment did not have such a relationship with their perpetrator.
 - For example, 34% of sexual assaults are perpetrated by friends or acquaintances; 16% of sexual assaults are perpetrated by strangers -- neither group would qualify for a 209A restraining order.
- Thus, many victims of stalking, sexual assault, and harassment were not able to obtain 209A restraining orders.

Need for G.L. c. 258E: Prior Remedies

- Since 209A was not available to these victims, only imperfect criminal remedies were available prior to the passage of 258E.
 - Criminal Process:
 - Many victims of sexual assault, stalking, and harassment do not report their crimes to the police; for these victims, criminal protections are not available.
 - Even if criminal prosecution goes forward, and, as part of probation/bail/parole the defendant is ordered to stay away from the victim, such stay away order is usually limited in time and only enforceable by the court.

Need for G.L. c. 258E: Prior Remedies

- Since 209A was not available to these victims, only imperfect civil remedies were available prior to the passage of 258E.
 - Civil Process:
 - Relief could be costly as it most likely required representation from a lawyer and the filing fee costs;
 - Injunctive relief, if granted, was not criminally enforceable – it was only enforced by a contempt of court.

Need for G.L. c. 258E

- While protective orders are only part of a larger safety plan for victims, they do provide invaluable safety protection and are vitally important.
 - About a tenth of stalking victims attributed the cessation of the unwanted behavior to obtaining a restraining, protection, or stay away order.

Bureau of Justice Statistics- Special Report
January 2009, National Crime Victimization Survey

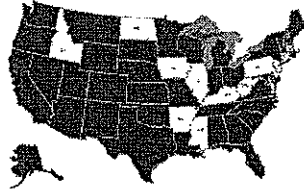
- Reports indicate some 86% of the women who received a protection order state the abuse either stopped or was greatly reduced.

James Pinck, *Battered Women in the Courtroom: The Power of Judicial Response* (1999)

Need for G. L. c. 258E: Massachusetts Lagged Behind Other States

Thirty-eight states plus the District of Columbia have stalking/harassment civil protection orders.

Those states are noted in RED.



Statutory Framework of G.L. c. 258E

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Who is Covered by G.L. c. 258E?

- To obtain a harassment order under 258E, an individual must demonstrate that he or she has suffered from "harassment."

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Key Definitions in G.L. c. 258E

- There are three alternate definitions of "Harassment" noted in the statute:
 - Three or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property.
- OR
- One act that:
 - (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or
 - (B) constitutes a violation of several specifically enumerated criminal statutes.

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Key Definitions in G.L. c. 258E

Under the first alternative definition of "harassment," there are 5 elements:

- There must have been three or more acts of harassment.
- Each act must have been aimed at a specific person committed.
- Each act must have been both willful and malicious.
- Each act must have been done with the intent to cause fear, intimidation, abuse or damage to property.
- Each act must in fact have caused fear, intimidation, abuse or damage to property.

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Key Definitions in G.L. c. 258E

- "WILLFUL" is not specifically defined in the statute, however, there are two definitions of willful that may be used to interpret the statute.
 - Willful and malicious property damage - requires that the actor intend both the act and the resulting harm. Comm. v. Armand, 411 Mass. 167 (1991)
 - Willful and malicious criminal harassment - requires only that the actor intend the act and does not require evil intent or ill will. Comm. v. O'Neil, 67 Mass. App. Ct. 284 (2006).
- "MALICIOUS" - Malicious is defined in the statute as conduct characterized by "cruelty, hostility or revenge." G.L. c. 258E, § 1.

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Key Definitions in G.L. c. 258E

- Under the second and third alternative definitions of "harassment," plaintiff must show one act of the following:

One act that:

- (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or
- (B) constitutes a violation of twelve specifically enumerated criminal statutes (noted on next slide).

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Enumerated Statutes

- Chapter 265 of the General Laws Sections
 - 13B (indecent assault and battery on a child under the age of 14);
 - 13F (indecent assault and battery on a mentally retarded person);
 - 13H (indecent assault and battery on persons 14 years or older);
 - 22 (rape);
 - 22A (rape of a child/use of force);
 - 23 (rape and abuse of a child/statutory rape);
 - 24 (assault with intent to commit rape);
 - 24B (assault of a child with the intent to commit rape);
 - 26C (enticement of a child);
 - 43 (criminal stalking); or
 - 43A (criminal harassment)
- Chapter 272 of the General Laws Section 3 (drugging persons for sexual intercourse)

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Venue

- A plaintiff seeking a harassment order under 258E may apply in one of these courts having venue over the plaintiff's residence:
 - Boston Municipal Court
 - District Court
 - Superior Court
 - Juvenile Court
- A plaintiff may only seek relief in Juvenile Court if the plaintiff and defendant are both under the age of 17.

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Process to Obtain Order Under G.L. c. 258E

- The procedural process is very similar to that in 209A.
- Overview:
 - Filing a complaint
 - Emergency relief
 - Ex parte hearing
 - Notice to defendant
 - 10-day hearing
 - Extension hearing

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Process to Obtain Order Under G.L. c. 258E: Complaint

- Person suffering from harassment may file a complaint in the appropriate court, setting forth the remedies s/he seeks..
- Plaintiff selects which alternate definition of harassment s/he is alleging.
- Plaintiff sets forth the details of harassment in an accompanying affidavit.
- All prior actions involving the parties must be listed on the complaint (eg. civil matters, school disciplinary matters).

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Process to Obtain Order Under G.L. c. 258E: Emergency Relief

- Upon the filing of a complaint, the court may issue the following
 - Emergency relief after hours
 - Provides for relief if court is closed or if plaintiff unable to appear because of severe hardship due to plaintiff's physical condition.
 - The emergency judicial response system will be the same as with 209A restraining orders.

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**Process to Obtain Order Under G.L. c. 258E:
Ex Parte Order/Temporary Relief**

Upon the filing of a complaint, the court may issue the following:

- Temporary relief without the defendant present
 - Imminence requirement for ex parte relief
- Court may order temporary relief orders without notice if the plaintiff demonstrates a "substantial likelihood of immediate danger of harassment."
 - Note that "harassment" is statutorily defined, so a plaintiff who has previously been stalled will likely be able to demonstrate that there is a substantial likelihood of immediate danger of, for example, one act of stalking

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**Process to Obtain Order Under G.L. c. 258E:
Review by Judge of Court Activity Record
Information**

- When considering a complaint under 258E, the court shall order a review of the defendant's records contained within the court activity record information system (formerly known as BOP) and domestic violence recordkeeping system.
- Purpose of review is to determine if defendant has civil or criminal record involving violent crimes or abuse.

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**Process to Obtain Order Under G.L. c. 258E:
Review by Judge of Court Activity Record
Information**

- If outstanding warrant exists, a judge shall notify appropriate law enforcement officials. Judge shall also make a finding as to whether plaintiff faces imminent threat of bodily injury.
- If imminent threat of serious bodily injury exists, judge shall notify appropriate law enforcement officials of such finding and law enforcement officials shall take all necessary action to execute the outstanding warrant promptly.

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**Process to Obtain Order Under
G.L. c. 258E: 10-Day Hearing**

- Court will state on its temporary order when the plaintiff needs to come back to court.
- Defendant shall be given notice for the 10-day hearing.
- Defendant will have an opportunity to be heard on the question of whether the temporary order should continue.
- Court may grant any other relief requested by plaintiff at the 10-day hearing.
- Court may grant relief to the plaintiff for up to one year.
- Statute does not expressly require plaintiff to demonstrate a "substantial likelihood of immediate danger of harassment" as it did at ex parte hearing.

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**Process to Obtain Order Under
G.L. c. 258E: Extension**

- At the expiration of the initial order, the court may:
 - Extend the order for additional time as it deems necessary to protect the plaintiff, or
 - Enter a permanent order.

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**Process to Obtain Order Under
G.L. c. 258E: Modification**

- The Court can modify the order but moving party must give sufficient notice to the non-moving party, and allow for an opportunity for non-moving party to be heard at a hearing
- The statute does not expressly require prior notice. *For 209A orders, the Trial Court Guidelines (commentary to Standard 6:04 (2000)) contemplate the possibility of ex parte allowance of a motion for modification if there is "a substantial likelihood of immediate danger of abuse." (G.L. 209A, § 4.)*

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**Process to Obtain Order Under
G.L. c. 258E: Confidentiality**

- The following information shall remain confidential and withheld from public inspection, except by order of the court:
 - Residential address and telephone number of plaintiff
 - Workplace name, address and telephone number of plaintiff
- However, plaintiff's confidential information shall appear on the court order and accessible to defendant and defendant's attorney unless plaintiff specifically requests that this information be withheld from the order.
- The information will be available to plaintiff and plaintiff's counsel and to others specifically authorized by plaintiff (such as victim-witness advocates, sexual assault counselors, and any officer authorized to serve criminal process) as long as such access is "necessary in the performance of their duties."

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**Process to Obtain Order Under
G.L. c. 258E**

- In addition to the confidentiality provided for the residence and workplace information, under the Trial Court impoundment rules, the court may order that any other information in the case record be impounded and unavailable for public inspection.
- Same "Motion For Impoundment" form may be used for both 258Es and 209As.

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Remedies Afforded by G.L. c. 258E

- Under 258E, section 3, a person suffering from harassment may petition the court for an order that the defendant, whether an adult or minor:
 - Refrain from abusing or harassing the plaintiff;
 - "Abuse" is defined as attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.
 - Refrain from contacting the plaintiff, unless authorized by the court;
 - Remain away from the plaintiff's household or workplace; and/or
 - Pay the plaintiff "monetary compensation" for the losses suffered as a result of the harassment.

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Remedies Afforded by G.L. c. 258E

- "Monetary compensation" for the losses suffered as a result of the harassment includes, but is not limited to:
 - Loss of earnings;
 - Out-of-pocket losses for injuries sustained or property damaged;
 - Cost of replacement locks;
 - Medical expenses;
 - Cost for obtaining an unlisted number; and/or
 - Reasonable attorney's fees.

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Remedies Not Afforded by G.L. c. 258E

- The following court remedies are not authorized under 258E:
 - An order to vacate the home.
 - An order addressing custody, visitation or temporary support.
 - Compensatory losses for moving expenses.
 - Note: The above remedies are available under 209A, which focuses on domestic violence in a family/household relationship, making the above remedies relevant.
 - Suspension and surrender of firearms, firearms licenses, or firearms identification.

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Full Faith & Credit

- Any protection order issued by another jurisdiction shall be given full faith and credit in the Commonwealth.
- Any protection order issued by another jurisdiction shall be enforced as if it were issued in the Commonwealth for as long as the order is in effect.

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Punishment for Violation of G.L. c. 258E

- A violation of 258E is a misdemeanor criminal offense punishable by:
 - A fine of not more than \$5,000; or
 - By imprisonment for not more than 2 ½ years in the house of correction; or
 - Both.
- Persons convicted under 258E must also pay a fine of \$25 for deposit into the General Fund.

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Punishment for Violation of G.L. c. 258E

- Upon a violation, the court may also order that the defendant complete an appropriate treatment program based on the offense and may also order the defendant to pay the plaintiff for certain specified damages.
 - To provide judges greater discretion, 258E does not specify which treatment programs may be appropriate.
 - Under 209A, in contrast, for any violation a court shall order the abusive partner to attend and complete a certified batterer's intervention program unless the judge issues written findings as to good cause why this should not be ordered.
- Although not punishment, the court shall also impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation.

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Law Enforcement Obligations Under G.L. c. 258E

- Law officers should make every effort to do the following as part of the emergency response:
 - Assess the immediate physical danger to the victim and provide assistance reasonable to mitigate the safety risk;
 - If there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
 - If a sexual assault has occurred, notify the victim that there are time sensitive medical or forensic options that may be available and encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
 - Provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
 - Provide adequate notice to the victim of his/her rights including, but not limited to, obtaining a harassment prevention order

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Law Enforcement Obligations Under G.L. c. 258E

- Law enforcement shall use reasonable means to enforce such orders.
- In contrast to 209A, the statute does not currently include a right to arrest by law enforcement if he/she has probable cause to believe that a restraining order has been violated.
 - Although there is no right to arrest, a best practice for law enforcement would be for the Officer to seek a criminal complaint in District Court through a show cause hearing on behalf of the victim.
 - A victim may seek their own criminal complaint in this same manner.

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Recordkeeping System of Defendants

- Whenever the court orders that the defendant refrain from harassing or have no contact with the plaintiff, the court or clerk-magistrate shall transmit:
 - The issuance of, or violation of, such prevention order to the office of the commissioner of probation information for filing in the court activity record information system or statewide domestic violence recordkeeping system; and
 - Two (2) certified copies of the order and one (1) copy of the complaint and summons to the appropriate law enforcement agency, which shall serve one copy of each on the defendant.

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Pending Amendments

- There are amendments to 258E currently pending.

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**Should An Individual file for
G.L. c. 209A or G.L. c. 258E?**

- If a victim qualifies for both, there are several factors to consider:
 - The defendant's access to a firearm, and the Court's ability to remove firearms in 209A but not 258E
 - The violation of 209A as an arrestable offense, while it is not under 258E currently
 - The remedies available under 209A (i.e. vacate the home, custody, etc.) are somewhat different, and may be preferable depending on the victim's circumstances.
 - For example, if the individual filing for the restraining order has children, 209A provides remedies related to custody visitation, and child support, which 258E does not contain.
 - The importance of relying on established caselaw that has developed under 209A, based on the facts of the case, which is not available under 258E

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Court Forms and Information

Jamie Sabino

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The Prosecutor's Perspective

David Deakin

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Filling out the affidavit

- Many victims are concerned that they cannot put all of the details in a one page affidavit.
- To counteract that issue, you could include a disclaimer at the beginning of the affidavit that states:
 - The following is a brief summary of the events and does not attempt to capture all the detail of the abuse...

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Free legal representation to victims of sexual assault since 1999

Areas of law:

- Safety
- Privacy
- Immigration
- Employment
- Education
- Housing
- Financial concerns



Leading a New Response to Sexual Violence

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Statistics on sexual assault

- 1 in 6 females are victims of sexual assault.
- 1 in 33 males are victims of sexual assault.
- 70-80% of victims know their assailant (date, co-worker, classmate, etc.).
- 80% of women assaulted are under the age of 30.
- 75% of victims seek help/intervention 1 time.

Who might your clients be?

- College students
- Work colleagues
- Tenants
- Immigrants who experience workplace sexual assault
- High school students
 - Bullying

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Why don't victims tell?

- Societal views
 - "She's making it up."
 - (rate of false reporting for rape is the same as other crimes)
- Victim blame
 - "She asked for it."
- Intense scrutiny of personal life
- Credibility (he said/she said)
 - "No one will believe me."
- Family/own values

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Most victims face a difficult compromise between maintaining personal control and privacy and seeking remedies

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Post-Assault Victim Reactions are Totally Unpredictable

- | | |
|--|-----------------------------------|
| • Life threatening event =
TRAUMA! | • Difficulty concentrating |
| • Pre-assault vulnerabilities
are magnified | • Hypervigilance |
| • Confusion | • Exhaustion (HIV
prophylaxis) |
| • Life is a mess | • Depression |
| • Anxiety | • Suicidality |
| • Safety concerns | • Absolute fear |

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Being assaulted affects a victim's memory

Life threatening event = Trauma

Trauma = memory problems

- Can't remember details of incident
- Only remembers certain details vividly
- Triggers to memory
- Can't remember chronology

*This may be frustrating as you are trying to help the victim fill out the affidavit.

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Emotional Effects

- Panic
- Anger
- Sadness
- Shame
- Isolation
- Guilt
- Lack of emotion
- Laughter

Coping Mechanisms

- Avoidance
- Minimization
- Use of drugs/alcohol
- Self-blame

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What can you do as a victim's lawyer?

- Be patient
- Always think about safety and privacy first
- Provide ample information and lay out all options and possible outcomes
- Be compassionate

*Let the client decide what to do
(even if you disagree)!*

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What can you do as a victim's lawyer?

- Reaffirm confidentiality
- Remind the client that you:
 - believe victim's story
 - do not blame victim (drinking, going to perp's room, engaging in some consensual activity)
- Explain why you are asking certain questions - you are not blaming victim for the assault
- Let victim dictate the pace
- Show emotion
- Encourage updates as victim is ready to share

- ✓ Victim may forget details
- ✓ Victim may self-blame
- ✓ Victim may be worried about you
- ✓ Victim may be embarrassed

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Interested in taking a case?

The Rape Survivors' Law Project
The Pro Bono Initiative of the VRLC

- VRLC will train your attorneys on how to represent victims
- VRLC mentors all attorneys who take cases - you don't need to be an expert, we are.
- VRLC refers the following types of cases:
 - Immigration, privacy, 209A orders, 258E orders, & clerk magistrate hearings.

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Contact information

- Colby Bruno
 VRLC Boston Office
 115 Broad Street, 3rd Floor
 Boston, MA 02110
 General number: (617) 399-6720
 Intake line (for victims): 617-399-6720 x19
 Toll free: 1-877-758-8132
 Email: cbruno@victimrights.org
- Jamie Sabino
 The Administrative Office of the Trial Court
- David Deakin
 Suffolk County District Attorney's Office

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Contact information

- **Susan Finegan**
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- The Honorable Ann-Margaret Fercante
- The Honorable Danielle W. Gregoire
- The Honorable Kate Hogan
- The Honorable Kay Khan
- The Honorable Barbara A. L'Italien
- The Honorable Sarah K. Peake
- The Honorable Denise Provost

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Questions?

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258E: AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS

An Act Relative to Harassment Prevention Orders, G.L. c. 258E ("258E"), fills a critical gap in the law by providing victims of criminal harassment, stalking and sexual assault, regardless of their relationship with the defendant, with the ability to obtain harassment prevention orders against their perpetrators. Under G.L. c. 209A ("209A"), only those victims who are family members, reside in the same household, or have a substantial dating relationship with the defendant could obtain a restraining order; the new law has no such requirement. **Please note 209A has not been amended and is still in full force and effect.**

FREQUENTLY ASKED QUESTIONS

Q: WHO QUALIFIES FOR 258E RELIEF?

A: An individual who has been the victim of "harassment" and who demonstrates a substantial likelihood of immediate danger of "harassment" may qualify for 258E relief. "Harassment" is specifically defined in 258E as: (i) 3 or more acts of willful and malicious¹ conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of several specifically enumerated criminal statutes.²

Difference from 209A: Plaintiffs seeking relief under 258E need not be in a familial, household, or substantive dating relationship, as required by 209A.

Q: WHERE CAN A PLAINTIFF APPLY FOR 258E RELIEF?

A: A plaintiff seeking a restraining order under 258E may apply in the district, Boston municipal, juvenile, or superior court departments having venue over that plaintiff's residence. Additionally, if the plaintiff and defendant are both under the age of 17, the plaintiff must seek relief in the juvenile court having venue over that plaintiff's residence.

Difference from 209A: As there is no family, household, or dating relationship requirement, the Probate and Family Courts do not have jurisdiction to issue 258E orders.

Q: IS THE PROCEDURAL PROCESS DIFFERENT THAN 209A?

A: The procedural process is very similar to that in 209A. The remedy is considered civil in nature, but a violation of the restraining order is criminal. Plaintiff does not pay a fee for filing the complaint. A plaintiff's residential and workplace address may be kept confidential (unless the plaintiff chooses to request an order for the defendant to stay away from those addresses). A plaintiff may also ask the judge to impound, under current court rules, any part of the file. The court may issue the following: emergency relief after hours, temporary relief without the defendant present, relief to the plaintiff for up to one year after a hearing with notice to the defendant, and a modified order upon notice to the non-moving party. On the complaint form, the plaintiff must disclose all pending actions involving the parties. The Chief Justice for Administration and Management is responsible for creating all forms, including the Complaint and Order – not the individual courts.

Difference from 209A: Under 209A, the plaintiff only has to provide information on the complaint regarding actions for divorce, annulment, paternity, custody or support, guardianship, separate support or legal separation, or abuse prevention; under 258E, all actions must be included (e.g. civil matters, school disciplinary matters).

Q: WHAT ARE THE REMEDIES AFFORDED BY A 258E HARASSMENT ORDER?

A: A person suffering from harassment, as defined by 258E, may petition the court for an order that the defendant, whether an adult or a minor:

¹ Malicious is defined as conduct characterized by "cruelty, hostility or revenge". G.L. c. 258E, § 1.

²Chapter 265 of the General Laws Sections 13B (indecent assault and battery on a child under the age of 14); 13F (indecent assault and battery on a mentally retarded person); 13H (indecent assault and battery on persons 14 years or older); 22 (rape); 22A (rape of a child/use of force); 23 (rape and abuse of a child); 24 (assault with intent to commit rape); 24B (assault of a child with the intent to commit rape); 26C (enticement of a child); 43 (criminal stalking) or 43A (criminal harassment). Chapter 272 of the General Laws Section 3 (drugging persons for sexual intercourse).

- Refrain from abusing or harassing the plaintiff;
- Refrain from contacting the plaintiff, unless authorized by the court;
- Remain away from the plaintiff's household or workplace;
- Pay the plaintiff monetary compensation for the losses suffered as a result of the harassment, including but not limited to loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted number and reasonable attorney's fees.

Difference from 209A: The following remedies provided for in 209A are not available under 258E: (1) an order to vacate the home; (2) an order addressing custody, visitation or temporary support; and (3) compensatory losses for moving expenses.

Q: WHAT IS THE PUNISHMENT FOR A VIOLATION OF 258E?

A: A violation of 258E is a criminal offense punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years, or both. Persons convicted under 258E must also pay a fine of \$25 for deposit into the General Fund. Additionally, the court may order that the defendant complete an appropriate treatment program based on the offense and may also order the defendant to pay the plaintiff for certain specified damages. Although not a punishment, the court shall also impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation.

Difference from 209A: A violation of 258E will not result in the removal of firearms or other firearms modifications included in 209A. Under 209A, the court may consider ordering the abusive partner to attend and complete a certified batterer's treatment program as a condition of visitation; 258E allows the court, upon a violation of the restraining order, to order the defendant to complete a treatment program, but does not specify which one(s) may be appropriate.

Q: WHAT ARE LAW ENFORCEMENT'S OBLIGATIONS UNDER 258E?

A: Law officers should make every effort to do the following as part of the emergency response:

- Assess the immediate physical danger to the victim and provide assistance reasonable to mitigate the safety risk;
- If there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- If a sexual assault has occurred, notify the victim that there are time sensitive medical or forensic options that may be available and encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- Provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- Provide adequate notice to the victim of his/her rights including, but not limited to, obtaining a harassment prevention order.

Difference from 209A: Both a violation of 258E and the underlying offense are not currently an arrestable offense. 258E provides law enforcement the flexibility to protect victims and provide resources without mandating how law enforcement must act.

Q: IF SOMEONE QUALIFIES FOR BOTH A 209A AND 258E RESTRAINING ORDER, WHICH ONE SHOULD THEY OBTAIN?

A: If an individual qualifies for a 209A restraining order based on both relationship and actions that fall under the definition of abuse, there are several factors to consider:

- Defendant's access to a firearm, and the court's ability to remove firearms in 209A but not 258E.
- Violation of 209A as an arrestable offense, while it is not under 258E currently.
- Reliance on established case law that has developed under 209A, and the certainty of interpretation, which is not available under 258E.
- Need for specific remedies the plaintiff seeks in obtaining the restraining order, and whether 209A or 258E is better for the victim based on that need.

Chapter 23 of the Acts of 2010

AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

The General Laws are hereby amended by inserting after chapter 258D the following chapter:-

CHAPTER 258E HARASSMENT PREVENTION ORDERS

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Abuse”, attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.

“Harassment”, (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

“Court”, the district or Boston municipal court, the superior court or the juvenile court departments of the trial court.

“Law officer”, any officer authorized to serve criminal process.

“Malicious”, characterized by cruelty, hostility or revenge.

“Protection order issued by another jurisdiction”, an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the Boston municipal court department or the respective divisions of the juvenile or district court departments having venue over the plaintiff’s residence. The juvenile court shall have jurisdiction over all proceedings under this chapter in which both the plaintiff and the defendant are under the age of 17.

Section 3. (a) A person suffering from harassment may file a complaint in the appropriate court

requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

(i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or minor;
(ii) refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;
(iii) remain away from the plaintiff's household or workplace, whether the defendant is an adult or minor; and
(iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney's fees.

(b) The court may order that information in the case record be impounded in accordance with court rule.

(c) No filing fee shall be charged for the filing of the complaint. The plaintiff shall not be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

(d) Any relief granted by the court shall not extend for a period exceeding 1 year. Every order shall, on its face, state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. The fact that harassment has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated or for refusing to issue a new order.

(e) The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

(f) The court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

(g) An action commenced under this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties.

Section 4. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 and 43A of chapter 265 or section 3 of chapter 272. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

Section 5. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from harassment, including relief as provided in section 3.

If the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from harassment and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff not later than 10 court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

Section 6. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, the court may grant relief to the plaintiff as provided under section 5 if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section, the plaintiff shall appear in court on the next available business day to file a complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, a representative may appear in court, on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section 5.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk or clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

Section 7. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law officer may presume the validity of, and enforce in accordance with section 8, a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order.

Section 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

Section 9. When considering a complaint filed under this chapter, the court shall order a review of the records contained within the court activity record information system and the statewide domestic violence recordkeeping system, as provided in chapter 188 of the acts of 1992 and maintained by the commissioner of probation, and shall review the resulting data to determine

whether the named defendant has a civil or criminal record involving violent crimes or abuse. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff under section 3, 5 or 6, the clerk or clerk-magistrate shall transmit: (i) to the office of the commissioner of probation information for filing in the court activity record information system or the statewide domestic violence recordkeeping system as provided in said chapter 188 of the acts of 1992 or in a recordkeeping system created by the commissioner of probation to record the issuance of, or violation of, prevention orders issued pursuant to this chapter; and (ii) 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court. The commissioner of probation may develop and implement a statewide harassment prevention order recordkeeping system.

Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each harassment prevention order issued shall contain the following statement:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2½ years in a house of correction, or both. In addition to, but not in lieu of, the foregoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a violation of such an order to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court may order the defendant to complete an appropriate treatment program based on the offense.

In each instance in which there is a violation of a harassment prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained

or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Any such violation may be enforced by the court. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The court may enforce by civil contempt procedure a violation of its own court order.

Section 8 of chapter 136 shall not apply to any order, complaint or summons issued pursuant to this section.

Section 10. The records of cases arising out of an action brought under this chapter in which the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, however, that such records shall be open, at all reasonable times, to the inspection of the minor, such minor's parent, guardian and attorney and to the plaintiff and the plaintiff's attorney.

The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under this chapter, shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233 and law officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction filed with a court of the commonwealth pursuant to section 7. Such confidential portions of the court records shall not be deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

Section 11. The chief justice for administration and management shall adopt a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

Section 12. The court shall impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation. Such assessment shall be in addition to the cost of the treatment program. In the discretion of the court, such assessment may be reduced or waived if the court finds that such person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit such funds into the General Fund.

Approved, February 9, 2010.

INTAKE FORM

(Must be completed if either the Plaintiff or the Defendant is under 17 Years of Age)

PLAINTIFF (Complete if Plaintiff is under 17 years of age)		DEFENDANT (Complete if Defendant is under 17 years of age)	
Name of Plaintiff (person seeking protection)		Name of Defendant (person accused of harassment)	
Is Plaintiff under 17 years old? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Birth Month Date Year	Is Defendant under 17 years old? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Birth Month Date Year
<u>Parent Information</u>		<u>Parent Information</u>	
1. Mother/Parent/Guardian:		1. Mother/Parent/Guardian:	
_____ (First Name) (M. I.) (Last Name)		_____ (First Name) (M. I.) (Last Name)	
_____ (Street) (P.O. Box) (Apt. No.)		_____ (Street) (P.O. Box) (Apt. No.)	
_____ (City) (State) (Zip Code)		_____ (City) (State) (Zip Code)	
() _____ (Area Code) (Telephone Number)		() _____ (Area Code) (Telephone Number)	
2. Father/Parent/Guardian:		2. Father/Parent/Guardian:	
_____ (First Name) (M. I.) (Last Name)		_____ (First Name) (M. I.) (Last Name)	
_____ (Street) (Apt. No.)		_____ (Street) (Apt. No.)	
_____ (City) (State) (Zip Code)		_____ (City) (State) (Zip Code)	
() _____ (Area Code) (Telephone Number)		() _____ (Area Code) (Telephone Number)	
(Do not include parent's address if Plaintiff's address is held confidential from the Defendant.)			
<u>School Information</u>		<u>School Information</u>	
Does the Plaintiff attend school? <input type="checkbox"/> Yes <input type="checkbox"/> No		Does the Defendant attend school? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, where does the Plaintiff attend school? _____ _____		If yes, where does the Defendant attend school? _____ _____	
DATE:	NAME OF PERSON COMPLETING INTAKE:		
(Additional information)			

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

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.

TRIAL COURT OF THE COMMONWEALTH

"COMPLAINT FOR PROTECTION FROM HARASSMENT"
"HARASSMENT PREVENTION ORDER"



INSTRUCTIONS FOR POLICE DEPARTMENTS AFTER COURT HOURS

When the court is closed for business, any judge assigned to the Judicial Response System may grant relief to a Plaintiff if the Plaintiff demonstrates a substantial likelihood of immediate danger of harassment. "In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter." G.L. c. 258E, § 6

INSTRUCTIONS FOR USE OF THIS FORMS PACKAGE

This forms package has been promulgated by the Massachusetts Trial Court's Chief Justice for Administration and Management pursuant to G.L. c. 258E, §§ 6 and 11 for use by police departments to record a Harassment Prevention Order issued by a judge over the telephone when the court is closed for business. Additional supplies of this forms package may be obtained from the Administrative Office of the Trial Court at (617) 878-0322. Please keep any supplies of these forms under adequate security to prevent misuse.

- 1. COMPLAINT FOR PROTECTION FROM HARASSMENT.** It is preferable to have the Plaintiff complete and sign the Complaint form set, if the Plaintiff is able to do so, before contacting a judge. Please print in ballpoint pen and press hard enough so that all four parts (white, pink, yellow and white) are legible. There are instructions on the back of the form set to which the Plaintiff may refer.
In appropriate circumstances, a judge may issue an Order without the Plaintiff having completed and signed a written Complaint. If the judge does so, please discard the Complaint form set and advise the Plaintiff that G.L. c. 258E, § 6 requires the Plaintiff to appear in court on the next court business day to file such a Complaint.
- 2. AFFIDAVIT.** After the Complaint set has been completed and signed, separate the four parts from the form stub that holds them together. Turn over the original (white) part and ask the Plaintiff to describe the details of the harassment on the Affidavit form printed there. When the Affidavit is complete, please indicate by your signature that you have witnessed the Plaintiff's signature on the Affidavit.
In appropriate circumstances, a judge may dispense with the need for an Affidavit. If the judge does so, leave the Affidavit form blank.
- 3. PLAINTIFF CONFIDENTIAL INFORMATION FORM.** Ask the Plaintiff to complete the Plaintiff Confidential Information Form. Seal that form in an envelope marked "PLAINTIFF'S ADDRESS - CONFIDENTIAL."
- 4. DEFENDANT INFORMATION FORM.** Provide the Plaintiff with the Defendant Information Form and ask the Plaintiff to complete it to the best of his or her ability.
- 5. HARASSMENT PREVENTION ORDER.** Read or summarize the Complaint and Affidavit over the telephone as requested by the judge. Please inform the judge if the Plaintiff does not want his or her residence and workplace addresses to appear in the court Order and thereby to be disclosed to the Defendant. If the judge issues an Order, please complete the Harassment Prevention Order form set, item by item, as the judge directs. Print in ballpoint pen and press hard enough so that all six parts (white, pink, yellow, blue, green and white) are legible. Leave the space for "Docket No." blank, but enter the name and address of the court where the judge makes the Order returnable. Print your name and police department, and print the name of the judge issuing the Order, in the appropriate spaces. At the bottom left of the Order, print the name of the "First or Chief Justice" as indicated by the issuing judge. Leave blank the space where the clerk-magistrate may attest the Order.
- 6. COLLATING AND DISTRIBUTING COPIES.** Separate the six parts of each page of the Order form set from the form stub that holds them together. If the Plaintiff has completed the Complaint form, match up and staple together the copies of the Complaint form with the matching color copies of the Order form: the white (Court) copies, the pink (Plaintiff's) copies, the yellow (Defendant's) copies, and the white (Probation) copies.
Give the pink copies of the Complaint and Order to the Plaintiff.
Deliver the white (Court) copies and the white (Probation) copies of the Complaint and Order on the next business day to the clerk-magistrate of the court where the Order is returnable, along with the Plaintiff Confidential Information Form in a sealed envelope and the Defendant Information Form.
Arrange for the yellow copies of the Complaint and Order to be served on the Defendant as soon as possible. If service on the Defendant cannot be made before the date and time of hearing shown in the Order, service of additional Orders may be necessary.
The two remaining copies of the Order are for police use: the blue copy of the Order is for your records; the green copy of the Order may be used for the return of service that must be filed with the Court.

COMPLAINT FOR PROTECTION FROM HARASSMENT G.L. c. 258E				DOCKET NO. <i>(for court use only)</i>	Massachusetts Trial Court
A	<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT	<input type="checkbox"/> JUVENILE COURT	<input type="checkbox"/> SUPERIOR COURT	DIVISION
B	NAME OF PLAINTIFF <i>(person seeking protection)</i>			NAME OF DEFENDANT <i>(person accused of harassment)</i>	
C	I am: <input type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger The Defendant is: <input type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger <input type="checkbox"/> I am under the age of 18 and _____ my _____ <i>(relationship to Plaintiff)</i> , has filed this Complaint for me.			Are there any prior or pending actions between the plaintiff and the defendant? <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If so, list court, type of case, date and docket no. (if available)</i>	
D	I SUFFERED HARASSMENT WHEN: <input type="checkbox"/> on or about <i>(dates)</i> _____ the Defendant committed 3 or more acts of willful and malicious conduct aimed at me which were committed with the intent to cause fear, intimidation, abuse or damage to property and did in fact cause fear, intimidation, abuse or damage to property. <input type="checkbox"/> on or about <i>(date)</i> _____ the Defendant by force, threat or duress caused me to involuntarily engage in sexual relations. <input type="checkbox"/> on or about <i>(date)</i> _____ the Defendant committed against me an act that constitutes a violation of one of the following statutes: G.L. c. 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) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse).				
E	THEREFORE, I ASK THE COURT: <input type="checkbox"/> 1. to order the Defendant not to abuse me by physically harming me, attempting to physically harm me, or placing me in fear of imminent serious physical harm, and to stop harassing me (1) by any willful and malicious conduct aimed at me and intended to cause fear, intimidation, abuse or damage to property, or (2) by using force; threat or duress to make me engage in sexual relations unwillingly, or (3) by committing against me any act that constitutes a violation of any of the following statutes: G.L. c. 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) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse). <input type="checkbox"/> 2. to order the Defendant not to contact me, unless authorized to do so by the Court. <input type="checkbox"/> 3. to order the Defendant to remain away from my residence <i>(as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form)</i> . <input type="checkbox"/> 4. to order the Defendant to remain away from my workplace <i>(as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form)</i> . <input type="checkbox"/> 5. to order the Defendant to pay me \$ _____ in compensation for the following losses suffered as a direct result of the harassment: _____ _____ <input type="checkbox"/> 6. to order the relief I have requested, except for compensation for losses suffered, without advance notice to the Defendant because there is a substantial likelihood of immediate danger of harassment. I understand that, if the Court issues such a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether such a temporary Order should be continued, and I must appear in court on that day if I wish the Order to be continued.				
Please complete the AFFIDAVIT on the reverse of this page, the PLAINTIFF CONFIDENTIAL INFORMATION form, and the DEFENDANT INFORMATION form.			DATE	PLAINTIFF'S SIGNATURE	
				x	
This is a request for a civil order to protect the Plaintiff from future abuse or harassment. The actions of the Defendant may also constitute a crime subject to criminal penalties. For information about filing a criminal complaint, you may talk with the District Attorney's Office for the location where the alleged harassment occurred.					

AFFIDAVIT

Describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the listed criminal statutes, you must describe at least 3 separate incidents of such harassment. The judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also, describe any history of harassment, with as much of the above detail as possible.

On or about _____, 20____, the Defendant

[Lined area for describing incidents of harassment]

If more space is needed, attach additional pages and check this box:

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED	PLAINTIFF'S SIGNATURE X
-------------	--------------------------------

WITNESSED BY X	PRINTED NAME OF WITNESS	TITLE/RANK OF WITNESS
-----------------------	-------------------------	-----------------------

INSTRUCTIONS TO THE PLAINTIFF

HARASSMENT PREVENTION ORDERS

Under Massachusetts General Laws chapter 258E, people who have suffered harassment may ask a judge to issue an Order to protect them from further harassment or abuse. These Orders will be recorded and enforced by law enforcement agencies. They are commonly called "Harassment Prevention Orders" or "Restraining Orders" or "258E Orders." In any emergency that occurs after court hours or on weekends, you may ask your local police to put you in contact with a judge.

YOU MUST COMPLETE 4 FORMS:

1. COMPLAINT FORM

To request a Harassment Prevention Order, you must fill out a Complaint form and other appropriate forms. There is no filing fee. You are the "Plaintiff." The person who you allege has harassed you is the "Defendant." Please print in ballpoint pen and press hard enough so that all four parts are legible.

If either party is under 18. You are asked to indicate on the form whether you and the Defendant are under 18 years of age because the law provides that if either you or the Defendant is under the age of 18, such cases are not open to public inspection and are available only to the Plaintiff, the Plaintiff's attorney, the person under 18 and his or her parent, guardian and attorney.

Other prior or pending actions. If there are any prior or pending actions in any state or country between you and the Defendant, please bring any legal papers you have from such actions with you to the courthouse.

Financial compensation. You may request that a judge order the Defendant to compensate you for any financial losses suffered as a direct result of the harassment. These may include, but are not limited to, lost earnings, out-of-pocket losses for injuries sustained or property damaged, the costs for replacement of locks, medical expenses, or obtaining an unlisted phone number, and reasonable attorney's fees.

2. AFFIDAVIT

When you have completed the Complaint form, turn over the first (white) part and fill out the affidavit on the back. Describe the details of the harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the criminal statutes listed on the front of the complaint form, you must describe at least 3 separate incidents of such harassment to be eligible for a Harassment Prevention Order. Fill out the affidavit even if you are requesting relief after court hours unless a judge directs otherwise.

3. PLAINTIFF CONFIDENTIAL INFORMATION FORM

You must also fill out a Plaintiff Confidential Information Form, which lists your address, telephone number, and related information. The information in this form is confidential and this form is not available to the public, the defendant or the defendant's attorney. Except with a judge's permission, this form is available only to you, to your attorney, to those you authorize to have access, and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates and sexual assault counselors).

However, if you request that the defendant be ordered to remain away from your residence or workplace addresses, those addresses will appear in the court Order. They will not be available to the public but they will be disclosed to the defendant. If you do not want those addresses to appear in the court Order and thereby be disclosed to the Defendant, you should specifically request that they be omitted from the court Order.

If you have good reasons why your addresses or other confidential information in this case should not be disclosed to those who would otherwise have access in the course of their duties (prosecutors, law enforcement officers, victim-witness advocates and sexual assault counselors), you may file a Motion for Impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure.

Other court records of this matter will generally be open to public inspection. You may also file a Motion for Impoundment if you have good reasons to ask a judge to keep other parts of the court record from public inspection. Usually a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection.

4. DEFENDANT INFORMATION FORM

The Plaintiff must also fill out the Defendant Information Form. Please provide the requested information to the best of your ability in order to identify the Defendant and where the Defendant can be found. If an Order is issued, this information will be used by law enforcement officers to locate the Defendant to deliver the Order.

HARASSMENT PREVENTION ORDER G.L. c. 258E		DOCKET NO. _____	Massachusetts Trial Court
PLAINTIFF'S NAME _____		COURT NAME & ADDRESS _____	
DEFENDANT'S NAME AND ADDRESS _____	ALIAS, IF ANY _____		MOTHER'S MAIDEN NAME (FIRST & LAST) _____
	DATE OF BIRTH _____	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	
	PLACE OF BIRTH _____		
	SOCIAL SECURITY NO. _____	DAYTIME PHONE NO. _____	

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: *(only those items checked shall apply)*

- This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of harassment.
- This Order was communicated by telephone from the Judge named below to:
Police Dept. _____ Police Officer _____
1. **YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF** by harming or attempting to harm the Plaintiff physically or by placing the Plaintiff in fear of imminent serious physical harm. **YOU ARE ALSO ORDERED NOT TO HARASS THE PLAINTIFF** (1) by any willful and malicious conduct aimed at the Plaintiff and intended to cause fear, intimidation, abuse or damage to property, or (2) by using force, threat or duress to make the Plaintiff engage in sexual relations unwillingly, or (3) by committing any of the following: indecent assault and battery, rape, statutory rape, assault with intent to rape (G.L. c. 265, §§ 13B, 13F, 13H, 22, 22A, 23, 24, 24B), enticing a child (§ 26C), criminal stalking (§ 43), criminal harassment (§ 43A), or drugging for sexual intercourse (G.L. c.272, §3).
2. **YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF** either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least _____ yards from the Plaintiff even if the Plaintiff seems to allow or request contact. The only exception to this Order is that you may send to the Plaintiff by mail or by sheriff or other authorized officer copies of papers filed with the court when that is required by statute or court rule.
3. **YOU ARE ORDERED TO REMAIN AWAY FROM THE PLAINTIFF'S RESIDENCE** located at _____
and wherever else you have reason to know the Plaintiff may reside.
 If this box is checked, you are also **ORDERED** to remain away from the entire apartment building or other multiple family dwelling in which the Plaintiff's residence is located.
4. **YOU ARE ORDERED TO REMAIN AWAY FROM THE PLAINTIFF'S WORKPLACE** located at _____
and wherever else you have reason to know the Plaintiff may work.
5. **YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF** for \$ _____ in losses suffered as a direct result of the harassment, to be paid in full on or before _____, 20____ by mailing directly to the Plaintiff. through the Court.
6. _____

B. NOTICE TO LAW ENFORCEMENT

1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons) and make return of service to this court. If this box is checked service may instead be made by leaving such copies at the Defendant's address shown above but only if the police officer is unable to deliver such copies in hand to the Defendant.
2. Defendant Information Form accompanies this Order. 3. Police reports are on file at the _____ P.D.
4. Outstanding warrants for the Defendant's arrest: PCF No. _____ Docket No(s). _____
5. An imminent threat exists of bodily injury to the Plaintiff. _____ P.D. notified by telephone other: _____

DATE OF THIS ORDER _____	TIME OF THIS ORDER <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF THIS ORDER _____ at 4 P.M.	SIGNATURE/NAME OF JUDGE _____
NEXT HEARING DATE _____ at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. in Courtroom _____			X
FIRST OR CHIEF JUSTICE _____		A TRUE COPY ATTEST: _____	CLERK-MAGISTRATE/ASST. CLERK _____
WITNESS: _____		X	

The Plaintiff must appear at scheduled hearings, or this Order will expire. The Defendant may appear, with or without an attorney, to oppose any extension or modification of this Order. If the Defendant does not appear, the Order may be extended or modified as determined by the Judge. For good cause, either the Plaintiff or the Defendant may request the Court to modify this Order before its scheduled expiration date. NOTICE TO DEFENDANT: If the Plaintiff is your spouse or former spouse, or you are the parent of a child of the Plaintiff, or you cohabit or have cohabited with the Plaintiff, the purchase and/or possession of a firearm and/or ammunition while this order is in effect is a federal crime, subject to certain exceptions. 18 U.S.C. §§ 922(g)(8) and 925.

TO ANY OFFICER OF THE POLICE DEPARTMENT TO WHICH THE COURT HAS DIRECTED THIS ORDER:

PURSUANT TO G.L. c. 258E, §§ 8-9, THIS ORDER SHALL BE ENFORCED BY ANY LAW ENFORCEMENT OFFICER IN THE COMMONWEALTH WHO IS AWARE OF, OR SHOWN A COPY OF, THIS ORDER. IF SERVICE ON THE DEFENDANT HAS NOT YET BEEN MADE, ANY LAW ENFORCEMENT OFFICER SHALL ADVISE THE DEFENDANT OF THE TERMS OF THE ORDER AND THEN SHALL ENFORCE IT.

The YELLOW COPY of this Order must be served on the Defendant immediately. Please return the GREEN COPY of this Order to the Court with your return of service prior to the next scheduled hearing date, or new service may be required. The BLUE COPY of this Order is for your records.

"Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

"Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

"Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff . . . the clerk or clerk-magistrate shall transmit . . . 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court

"Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order."

G.L. c. 258E, §§ 8 & 9

RETURN OF SERVICE

I certify that I have served a copy of this Order on the Defendant named in this Order by:

- delivering a copy in hand to the Defendant.
 - leaving a copy at the Defendant's last and usual address as shown in this Order.
 - Other (specify) _____
- _____
- I was unable to make service because _____
- _____

DATE & TIME OF SERVICE	SIGNATURE OF OFFICER MAKING SERVICE	
	X	
PRINTED NAME OF OFFICER MAKING SERVICE	TITLE/RANK	POLICE DEPARTMENT

ATENCIÓN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.
 ATTENTION: CEÇI EST UNE ANNONCE OFFICIALE DU PALAIS DE JUSTICE. SI VOUS ÊTES INCAPABLE DE LIRE ANGLAISE, OBTENEZ UNE TRADUCTION.
 ATTENZIONE: IL PRESENTE È UN AVVISO UFFICIALE DAL TRIBUNALE. SE NON SAPETE LEGGERE IN INGLESE, OTTENETE UNA TRADUZIONE.
 ATENÇÃO: ESTE É UM AVISO OFICIAL DO TRIBUNAL. SE NÃO SABE LER INGLÊS, OBTENHA UMA TRADUÇÃO.
 LƯU Ý: ĐÂY LÀ THÔNG BÁO CHÍNH THỨC CỦA TÒA ÁN, NẾU BẠN KHÔNG ĐỌC ĐƯỢC TIẾNG ANH, HÃY TÌM NGƯỜI DỊCH HỖ.

注意：此信表格係官方文件。如果您不諳英文的話，可向法庭索取中文翻譯。

TO ANY OFFICER OF THE POLICE DEPARTMENT TO WHICH THE COURT HAS DIRECTED THIS ORDER:

PURSUANT TO G.L. c. 258E, §§ 8-9, THIS ORDER SHALL BE ENFORCED BY ANY LAW ENFORCEMENT OFFICER IN THE COMMONWEALTH WHO IS AWARE OF, OR SHOWN A COPY OF, THIS ORDER. IF SERVICE ON THE DEFENDANT HAS NOT YET BEEN MADE, ANY LAW ENFORCEMENT OFFICER SHALL ADVISE THE DEFENDANT OF THE TERMS OF THE ORDER AND THEN SHALL ENFORCE IT.

The **YELLOW COPY** of this Order must be served on the Defendant immediately. Please return the **GREEN COPY** of this Order to the Court with your return of service prior to the next scheduled hearing date, or new service may be required. The **BLUE COPY** of this Order is for your records.

"Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

"Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

"Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff . . . the clerk or clerk-magistrate shall transmit . . . 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court

"Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order."

G.L. c. 258E, §§ 8 & 9

ATENCIÓN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.
ATTENTION: CEÇI EST UNE ANNONCE OFFICIALE DU PALAIS DE JUSTICE. SI VOUS ÊTES INCAPABLE DE LIRE ANGLAISE, OBTENEZ UNE TRADUCTION.
ATTENZIONE: IL PRESENTE È UN AVVISO UFFICIALE DAL TRIBUNALE. SE NON SAPETE LEGGERE IN INGLESE, OTTENETE UNA TRADUZIONE.
ATENÇÃO: ESTE É UM AVISO OFICIAL DO TRIBUNAL. SE NÃO SABE LER INGLÊS, OBTENHA UMA TRADUÇÃO.
LƯU Ý: ĐÂY LÀ THÔNG BÁO CHÍNH THỨC CỦA TÒA-ÁN, NẾU BẠN KHÔNG ĐỌC ĐƯỢC TIẾNG ANH, HÃY TÌM NGƯỜI DỊCH HỖ.

注意：此份表格係官方文件。如果您不諳英文的話，可向法庭官員索取中文翻譯。

DEFENDANT INFORMATION FORM
AS PROVIDED BY PLAINTIFF
G.L. c. 209A or G.L. c. 258E

DOCKET NO. (for court use only)

Massachusetts Trial Court 

This information is requested to help police to identify and locate the Defendant in order to serve the Defendant with a copy of any restraining Order that is issued. Please provide as much information as possible.

DEFENDANT'S NAME						DATE OF BIRTH
OTHER NAMES USED BY DEFENDANT, IF ANY						PLACE OF BIRTH
MOTHER'S MAIDEN NAME (FIRST & LAST)			FATHER'S NAME (FIRST & LAST)			SOCIAL SECURITY NO.
SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE	EYES	HAIR	HEIGHT	WEIGHT	PHOTO AVAILABLE? (very helpful for ID) <input type="checkbox"/> YES <input type="checkbox"/> NO
BUILD	OTHER PHYSICAL CHARACTERISTICS (beard, glasses, scars, tattoos, complexion, hairstyle)					
DEFENDANT'S HOME ADDRESS (NO., STREET, CITY, STATE, ZIP)					DEFENDANT'S HOME TELEPHONE NO.	
APT. NO.	FLOOR NO.	NAME ON DOOR/MAILBOX	DOES DEFENDANT UNDERSTAND ENGLISH? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NOT, WHAT LANGUAGES?			
DEFENDANT'S EMPLOYER/WORKPLACE					WORK TELEPHONE NO.	
WORK ADDRESS (NO., STREET, CITY, STATE, ZIP)					TITLE	
DEPARTMENT					WORK HOURS	
OTHER PLACES DEFENDANT MAY BE FOUND (friends, bars, relatives, hangouts)					BEST PLACE TO FIND DEFENDANT	
MOTOR VEHICLE LICENSE PLATE	YEAR	MAKE	MODEL	COLOR	BEST TIMES TO FIND DEFENDANT	
DOES DEFENDANT HAVE: (describe very briefly)						
A history of violence toward police officers?			<input type="checkbox"/> NO <input type="checkbox"/> YES			
A history of using/abusing drugs or alcohol?			<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
Access to guns, a license to carry, or possess a gun?			<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
Psychiatric/emotional problems?			<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
ANY OTHER INFORMATION WHICH MIGHT BE HELPFUL IN LOCATING THE DEFENDANT						
DATE SIGNED		PRINT PLAINTIFF'S NAME			PLAINTIFF'S SIGNATURE	
					X	

PLAINTIFF CONFIDENTIAL INFORMATION FORM
G.L. c. 209A, § 8 or G.L. c. 258E, § 10

DOCKET NO. (for court use only)

Massachusetts Trial Court 

This form should be sealed in an envelope marked "PLAINTIFF'S ADDRESS - CONFIDENTIAL".

PLAINTIFF'S NAME

PLAINTIFF'S RESIDENTIAL ADDRESS

PLAINTIFF'S RESIDENTIAL TELEPHONE NO.

If this is an apartment building or other multiple family dwelling, check here

ANY FORMER ADDRESS PLAINTIFF HAS LEFT TO AVOID ABUSE (for G.L. c. 209A abuse prevention cases only)

NAME OF PLAINTIFF'S WORKPLACE

ADDRESS OF PLAINTIFF'S WORKPLACE

PLAINTIFF'S WORKPLACE TELEPHONE NO.

NAME OF PLAINTIFF'S SCHOOL

ADDRESS OF PLAINTIFF'S SCHOOL

PERSONS AUTHORIZED BY PLAINTIFF TO HAVE ACCESS TO THIS CONFIDENTIAL INFORMATION

THIS FORM IS CONFIDENTIAL AND IS NOT AVAILABLE TO THE PUBLIC, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY. Except with a judge's permission, this form is available only to you, to your attorney, to those you authorize to have access (see above), and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases, domestic violence counselors).

IF A JUDGE ORDERS THE DEFENDANT TO REMAIN AWAY FROM YOUR RESIDENCE OR WORKPLACE, THOSE ADDRESSES WILL APPEAR IN THE COURT ORDER. THEY WILL NOT BE AVAILABLE TO THE PUBLIC BUT THEY WILL BE DISCLOSED TO THE DEFENDANT. If you do not want those addresses to appear in the court Order and thereby be disclosed to the Defendant, you should specifically request that they be omitted from the court Order.

If you and the Defendant are both over 18, other court records of this matter will generally be open to public inspection. If you have good reasons to ask a judge to keep other parts of the court record from public inspection, ask the Clerk's or Register's Office to explain how to file a Motion for impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure. You may also file a Motion for impoundment if you have good reasons why your addresses or other confidential information in this case should not be disclosed to those who would otherwise have access in the course of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases, domestic violence counselors). Usually, a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection.

If either you or the Defendant are under 18, other court records of this matter will not be open to public inspection, and will be available only to you and the Defendant, and to your attorneys. They will also be available to the parent or guardian of any party who is under 18.

DATE SIGNED

PLAINTIFF'S SIGNATURE

X

COMPLAINT FOR PROTECTION FROM HARASSMENT G.L. c. 258E	DOCKET NO. (for court use only)	Massachusetts Trial Court
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<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT	<input type="checkbox"/> JUVENILE COURT	<input type="checkbox"/> SUPERIOR COURT	DIVISION
---	---	---	---	----------

B NAME OF PLAINTIFF (person seeking protection)	NAME OF DEFENDANT (person accused of harassment)
--	--

C I am: <input type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger The Defendant is: <input type="checkbox"/> 18 or older <input type="checkbox"/> 17 <input type="checkbox"/> 16 or younger <input type="checkbox"/> I am under the age of 18 and _____ my _____ (relationship to Plaintiff), has filed this Complaint for me.	Are there any prior or pending actions between the plaintiff and the defendant? <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If so, list court, type of case, date and docket no. (if available)</i>
---	--

D I SUFFERED HARASSMENT WHEN: <input type="checkbox"/> on or about (dates) _____ the Defendant committed 3 or more acts of willful and malicious conduct aimed at me which were committed with the intent to cause fear, intimidation, abuse or damage to property and did in fact cause fear, intimidation, abuse or damage to property. <input type="checkbox"/> on or about (date) _____ the Defendant by force, threat or duress caused me to involuntarily engage in sexual relations. <input type="checkbox"/> on or about (date) _____ the Defendant committed against me an act that constitutes a violation of one of the following statutes: G.L. c. 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) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse).	
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E THEREFORE, I ASK THE COURT: <input type="checkbox"/> 1. to order the Defendant not to abuse me by physically harming me, attempting to physically harm me, or placing me in fear of imminent serious physical harm, and to stop harassing me (1) by any willful and malicious conduct aimed at me and intended to cause fear, intimidation, abuse or damage to property, or (2) by using force, threat or duress to make me engage in sexual relations unwillingly, or (3) by committing against me any act that constitutes a violation of any of the following statutes: G.L. c. 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) or 43A (criminal harassment), or G.L. c. 272, § 3 (drugging for sexual intercourse). <input type="checkbox"/> 2. to order the Defendant not to contact me, unless authorized to do so by the Court. <input type="checkbox"/> 3. to order the Defendant to remain away from my residence (as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form). <input type="checkbox"/> 4. to order the Defendant to remain away from my workplace (as listed on the PLAINTIFF CONFIDENTIAL INFORMATION form). <input type="checkbox"/> 5. to order the Defendant to pay me \$ _____ in compensation for the following losses suffered as a direct result of the harassment: _____ _____ <input type="checkbox"/> 6. to order the relief I have requested, except for compensation for losses suffered, without advance notice to the Defendant because there is a substantial likelihood of immediate danger of harassment. I understand that, if the Court issues such a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether such a temporary Order should be continued, and I must appear in court on that day if I wish the Order to be continued.	
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Please complete the AFFIDAVIT on the reverse of this page, the PLAINTIFF CONFIDENTIAL INFORMATION form, and the DEFENDANT INFORMATION form.	DATE	PLAINTIFF'S SIGNATURE x
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This is a request for a civil order to protect the Plaintiff from future abuse or harassment. The actions of the Defendant may also constitute a crime subject to criminal penalties. For information about filing a criminal complaint, you may talk with the District Attorney's Office for the location where the alleged harassment occurred.

INSTRUCTIONS TO THE PLAINTIFF

HARASSMENT PREVENTION ORDERS

Under Massachusetts General Laws chapter 258E, people who have suffered harassment may ask a judge to issue an Order to protect them from further harassment or abuse. These Orders will be recorded and enforced by law enforcement agencies. They are commonly called "Harassment Prevention Orders" or "Restraining Orders" or "258E Orders." In any emergency that occurs after court hours or on weekends, you may ask your local police to put you in contact with a judge.

YOU MUST COMPLETE 4 FORMS:

1. COMPLAINT FORM

To request a Harassment Prevention Order, you must fill out a Complaint form and other appropriate forms. There is no filing fee. You are the "Plaintiff." The person who you allege has harassed you is the "Defendant." Please print in ballpoint pen and press hard enough so that all four parts are legible.

If either party is under 18. You are asked to indicate on the form whether you and the Defendant are under 18 years of age because the law provides that if either you or the Defendant is under the age of 18, such cases are not open to public inspection and are available only to the Plaintiff, the Plaintiff's attorney, the person under 18 and his or her parent, guardian and attorney.

Other prior or pending actions. If there are any prior or pending actions in any state or country between you and the Defendant, please bring any legal papers you have from such actions with you to the courthouse.

Financial compensation. You may request that a judge order the Defendant to compensate you for any financial losses suffered as a direct result of the harassment. These may include, but are not limited to, lost earnings, out-of-pocket losses for injuries sustained or property damaged, the costs for replacement of locks, medical expenses, or obtaining an unlisted phone number, and reasonable attorney's fees.

2. AFFIDAVIT

When you have completed the Complaint form, turn over the first (white) part and fill out the affidavit on the back. Describe the details of the harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the criminal statutes listed on the front of the complaint form, you must describe at least 3 separate incidents of such harassment to be eligible for a Harassment Prevention Order. Fill out the affidavit even if you are requesting relief after court hours unless a judge directs otherwise.

3. PLAINTIFF CONFIDENTIAL INFORMATION FORM

You must also fill out a Plaintiff Confidential Information Form, which lists your address, telephone number, and related information. The information in this form is confidential and this form is not available to the public, the defendant or the defendant's attorney. Except with a judge's permission, this form is available only to you, to your attorney, to those you authorize to have access, and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates and sexual assault counselors).

However, if you request that the defendant be ordered to remain away from your residence or workplace addresses, those addresses will appear in the court Order. They will not be available to the public but they will be disclosed to the defendant. If you do not want those addresses to appear in the court Order and thereby be disclosed to the Defendant, you should specifically request that they be omitted from the court Order.

If you have good reasons why your addresses or other confidential information in this case should not be disclosed to those who would otherwise have access in the course of their duties (prosecutors, law enforcement officers, victim-witness advocates and sexual assault counselors), you may file a Motion for Impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure.

Other court records of this matter will generally be open to public inspection. You may also file a Motion for Impoundment if you have good reasons to ask a judge to keep other parts of the court record from public inspection. Usually a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection.

4. DEFENDANT INFORMATION FORM

The Plaintiff must also fill out the Defendant Information Form. Please provide the requested information to the best of your ability in order to identify the Defendant and where the Defendant can be found. If an Order is issued, this information will be used by law enforcement officers to locate the Defendant to deliver the Order.

HARASSMENT PREVENTION ORDER G.L. c. 258E		DOCKET NO.	Massachusetts Trial Court	
PLAINTIFF'S NAME		COURT NAME & ADDRESS		
DEFENDANT'S NAME AND ADDRESS	ALIAS, IF ANY			
	DATE OF BIRTH	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female		
	PLACE OF BIRTH			MOTHER'S MAIDEN NAME (FIRST & LAST)
	SOCIAL SECURITY NO.	DAYTIME PHONE NO.		FATHER'S NAME (FIRST & LAST)

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: *(only those items checked shall apply)*

- This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of harassment. This Order was communicated by telephone from the Judge named below to:
Police Dept. _____ Police Officer _____
1. **YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF** by harming or attempting to harm the Plaintiff physically or by placing the Plaintiff in fear of imminent serious physical harm. **YOU ARE ALSO ORDERED NOT TO HARASS THE PLAINTIFF** (1) by any willful and malicious conduct aimed at the Plaintiff and intended to cause fear, intimidation, abuse or damage to property, or (2) by using force, threat or duress to make the Plaintiff engage in sexual relations unwillingly, or (3) by committing any of the following: indecent assault and battery, rape, statutory rape, assault with intent to rape (G.L. c. 265, §§ 13B, 13F, 13H, 22, 22A, 23, 24, 24B), enticing a child (§ 26C), criminal stalking (§ 43), criminal harassment (§ 43A), or drugging for sexual intercourse (G.L. c.272, §3).
2. **YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF** either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least _____ yards from the Plaintiff even if the Plaintiff seems to allow or request contact. The only exception to this Order is that you may send to the Plaintiff by mail or by sheriff or other authorized officer copies of papers filed with the court when that is required by statute or court rule.
3. **YOU ARE ORDERED TO REMAIN AWAY FROM THE PLAINTIFF'S RESIDENCE** located at _____
and wherever else you have reason to know the Plaintiff may reside.
 If this box is checked, you are also ORDERED to remain away from the entire apartment building or other multiple family dwelling in which the Plaintiff's residence is located.
4. **YOU ARE ORDERED TO REMAIN AWAY FROM THE PLAINTIFF'S WORKPLACE** located at _____
and wherever else you have reason to know the Plaintiff may work.
5. **YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF** for \$ _____ in losses suffered as a direct result of the harassment, to be paid in full on or before _____, 20____ by mailing directly to the Plaintiff. through the Court.
6. _____

B. NOTICE TO LAW ENFORCEMENT

1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons) and make return of service to this court. If this box is checked service may instead be made by leaving such copies at the Defendant's address shown above but only if the police officer is unable to deliver such copies in hand to the Defendant.
2. Defendant Information Form accompanies this Order. 3. Police reports are on file at the _____ P.D.
4. Outstanding warrants for the Defendant's arrest: PCF No. _____ Docket No(s). _____
5. An imminent threat exists of bodily injury to the Plaintiff. _____ P.D. notified by telephone other: _____

DATE OF THIS ORDER	TIME OF THIS ORDER <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF THIS ORDER at 4 P.M.	SIGNATURE/NAME OF JUDGE
NEXT HEARING DATE at _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. In Courtroom _____			X
FIRST OR CHIEF JUSTICE		A TRUE COPY ATTEST:	CLERK/MAGISTRATE/ASST. CLERK
WITNESS:		X	

The Plaintiff must appear at scheduled hearings, or this Order will expire. The Defendant may appear, with or without an attorney, to oppose any extension or modification of this Order. If the Defendant does not appear, the Order may be extended or modified as determined by the Judge. For good cause, either the Plaintiff or the Defendant may request the Court to modify this Order before its scheduled expiration date. NOTICE TO DEFENDANT: If the Plaintiff is your spouse or former spouse, or you are the parent of a child of the Plaintiff, or you cohabit or have cohabited with the Plaintiff, the purchase and/or possession of a firearm and/or ammunition while this order is in effect is a federal crime, subject to certain exceptions. 18 U.S.C. §§ 922(g)(8) and 925.

TO ANY OFFICER OF THE POLICE DEPARTMENT TO WHICH THE COURT HAS DIRECTED THIS ORDER:

PURSUANT TO G.L. c. 258E, §§ 8-9, THIS ORDER SHALL BE ENFORCED BY ANY LAW ENFORCEMENT OFFICER IN THE COMMONWEALTH WHO IS AWARE OF, OR SHOWN A COPY OF, THIS ORDER. IF SERVICE ON THE DEFENDANT HAS NOT YET BEEN MADE, ANY LAW ENFORCEMENT OFFICER SHALL ADVISE THE DEFENDANT OF THE TERMS OF THE ORDER AND THEN SHALL ENFORCE IT.

The **YELLOW COPY** of this Order must be served on the Defendant immediately. Please return the **GREEN COPY** of this Order to the Court with your return of service prior to the next scheduled hearing date, or new service may be required. The **BLUE COPY** of this Order is for your records.

"Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

"Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

"Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff . . . the clerk or clerk-magistrate shall transmit . . . 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court

"Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order."

G.L. c. 258E, §§ 8 & 9

RETURN OF SERVICE

I certify that I have served a copy of this Order on the Defendant named in this Order by:

- delivering a copy in hand to the Defendant.
 - leaving a copy at the Defendant's last and usual address as shown in this Order.
 - Other (specify) _____
- I was unable to make service because _____

DATE & TIME OF SERVICE	SIGNATURE OF OFFICER MAKING SERVICE	
	X	
PRINTED NAME OF OFFICER MAKING SERVICE	TITLE/RANK	POLICE DEPARTMENT

ATENCIÓN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.
 ATTENTION: C'EST UNE ANNONCE OFFICIALE DU PALAIS DE JUSTICE. SI VOUS ÊTES INCAPABLE DE LIRE ANGLAISE, OBTENEZ UNE TRADUCTION.
 ATTENZIONE: IL PRESENTE È UN AVVISO UFFICIALE DAL TRIBUNALE. SE NON SAPETE LEGGERE IN INGLESE, OTTENETE UNA TRADUZIONE.
 ATENÇÃO: ESTE É UM AVISO OFICIAL DO TRIBUNAL. SE NÃO SABE LER INGLÊS, OBTENHA UMA TRADUÇÃO.
 LƯU Ý: ĐÂY LÀ THÔNG BÁO CHÍNH THỨC CỦA TÒA ÁN, NẾU BẠN KHÔNG ĐỌC ĐƯỢC TIẾNG ANH, HÃY TÌM NGƯỜI DỊCH HỘ.

注意：此份表格係官方文件。如果您不諳英文的話，可向法庭官員索取中文翻譯。

TO ANY OFFICER OF THE POLICE DEPARTMENT TO WHICH THE COURT HAS DIRECTED THIS ORDER:

PURSUANT TO G.L. c. 258E, §§ 8-9, THIS ORDER SHALL BE ENFORCED BY ANY LAW ENFORCEMENT OFFICER IN THE COMMONWEALTH WHO IS AWARE OF, OR SHOWN A COPY OF, THIS ORDER. IF SERVICE ON THE DEFENDANT HAS NOT YET BEEN MADE, ANY LAW ENFORCEMENT OFFICER SHALL ADVISE THE DEFENDANT OF THE TERMS OF THE ORDER AND THEN SHALL ENFORCE IT.

The YELLOW COPY of this Order must be served on the Defendant immediately. Please return the GREEN COPY of this Order to the Court with your return of service prior to the next scheduled hearing date, or new service may be required. The BLUE COPY of this Order is for your records.

"Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

"Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

"Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff . . . the clerk or clerk-magistrate shall transmit . . . 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court . . .

"Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order."

G.L. c. 258E, §§ 8 & 9

ATENCIÓN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.

ATTENTION: CEÇI EST UNE ANNONCE OFFICIALE DU PALAIS DE JUSTICE. SI VOUS ÊTES INCAPABLE DE LIRE ANGLAISE, OBTENEZ UNE TRADUCTION.

ATTENZIONE: IL PRESENTE È UN AVVISO UFFICIALE DAL TRIBUNALE. SE NON SAPETE LEGGERE IN INGLESE, OTTENETE UNA TRADUZIONE.

ATENÇÃO: ESTE É UM AVISO OFICIAL DO TRIBUNAL SE NÃO SABE LER INGLÊS, OBTENHA UMA TRADUÇÃO.

LƯU Ý: ĐÂY LÀ THÔNG BÁO CHÍNH THỨC CỦA TÒA ÁN. NẾU BẠN KHÔNG ĐỌC ĐƯỢC TIẾNG ANH, HÃY TÌM NGƯỜI DỊCH HỢP.

注意：此份表格係官方文件。如果你不諳英文的話，可向法庭官員索取中文翻譯。

MODIFICATION, EXTENSION OR TERMINATION OF HARASSMENT PREVENTION ORDER G.L. c. 258E		DOCKET NO.	Massachusetts Trial Court	
PLAINTIFF'S NAME		COURT NAME & ADDRESS		
DEFENDANT'S NAME				
<input type="checkbox"/> C. PRIOR COURT ORDER (ATTACHED) MODIFIED/EXTENDED: This modification was issued after a hearing at which the Plaintiff <input type="checkbox"/> appeared <input type="checkbox"/> did not appear and the Defendant <input type="checkbox"/> appeared <input type="checkbox"/> did not appear. The Court has ORDERED that the prior order issued on _____, 20__ be MODIFIED as follows: <input type="checkbox"/> The expiration date of this order has been EXTENDED (see below). <input type="checkbox"/> OTHER MODIFICATION(S) _____ _____ _____				
DATE OF THIS ORDER	TIME OF THIS ORDER <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF THIS ORDER at 4 P.M.	SIGNATURE/NAME OF JUDGE	
NEXT HEARING DATE			X	
<input type="checkbox"/> D. PRIOR COURT ORDER (ATTACHED) MODIFIED/EXTENDED: This modification was issued after a hearing at which the Plaintiff <input type="checkbox"/> appeared <input type="checkbox"/> did not appear and the Defendant <input type="checkbox"/> appeared <input type="checkbox"/> did not appear. The Court has ORDERED that the prior order issued on _____, 20__ be MODIFIED as follows: <input type="checkbox"/> The expiration date of this order has been EXTENDED (see below). <input type="checkbox"/> OTHER MODIFICATION(S) _____ _____ _____				
DATE OF THIS ORDER	TIME OF THIS ORDER <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF THIS ORDER at 4 P.M.	SIGNATURE/NAME OF JUDGE	
NEXT HEARING DATE			X	
<input type="checkbox"/> E. PRIOR COURT ORDER (ATTACHED) MODIFIED/EXTENDED: This modification was issued after a hearing at which the Plaintiff <input type="checkbox"/> appeared <input type="checkbox"/> did not appear and the Defendant <input type="checkbox"/> appeared <input type="checkbox"/> did not appear. The Court has ORDERED that the prior order issued on _____, 20__ be MODIFIED as follows: <input type="checkbox"/> The expiration date of this order has been EXTENDED (see below). <input type="checkbox"/> OTHER MODIFICATION(S) _____ _____ _____				
DATE OF THIS ORDER	TIME OF THIS ORDER <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	EXPIRATION DATE OF THIS ORDER at 4 P.M.	SIGNATURE/NAME OF JUDGE	
NEXT HEARING DATE			X	
<input type="checkbox"/> F. PRIOR COURT ORDER (ATTACHED) TERMINATED This Court's prior Order has been terminated. Law enforcement shall destroy all records of such Order. <input type="checkbox"/> Terminated at Plaintiff's request.				
DATE OF PRIOR ORDER	DATE TERMINATION EFFECTIVE		SIGNATURE/NAME OF JUDGE	
DATE OF TERMINATION ORDER	TIME TERMINATION EFFECTIVE <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.		X	
A TRUE COPY ATTEST:	CLERK-MAGISTRATE/ASST. CLERK			
	X			

TRIAL COURT OF THE COMMONWEALTH

**"COMPLAINT FOR PROTECTION FROM HARASSMENT"
"HARASSMENT PREVENTION ORDER"**




INSTRUCTIONS FOR POLICE DEPARTMENTS AFTER COURT HOURS

When the court is closed for business, any judge assigned to the Judicial Response System may grant relief to a Plaintiff if the Plaintiff demonstrates a substantial likelihood of immediate danger of harassment. "In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter." G.L. c. 258E, § 6

INSTRUCTIONS FOR USE OF THIS FORMS PACKAGE

This forms package has been promulgated by the Massachusetts Trial Court's Chief Justice for Administration and Management pursuant to G.L. c. 258E, §§ 6 and 11 for use by police departments to record a Harassment Prevention Order issued by a judge over the telephone when the court is closed for business. Additional supplies of this forms package may be obtained from the Administrative Office of the Trial Court at (617) 878-0322. Please keep any supplies of these forms under adequate security to prevent misuse.

- 1. COMPLAINT FOR PROTECTION FROM HARASSMENT.** It is preferable to have the Plaintiff complete and sign the Complaint form set, if the Plaintiff is able to do so, before contacting a judge. Please print in ballpoint pen and press hard enough so that all four parts (white, pink, yellow and white) are legible. There are instructions on the back of the form set to which the Plaintiff may refer.
In appropriate circumstances, a judge may issue an Order without the Plaintiff having completed and signed a written Complaint. If the judge does so, please discard the Complaint form set and advise the Plaintiff that G.L. c. 258E, § 6 requires the Plaintiff to appear in court on the next court business day to file such a Complaint.
- 2. AFFIDAVIT.** After the Complaint set has been completed and signed, separate the four parts from the form stub that holds them together. Turn over the original (white) part and ask the Plaintiff to describe the details of the harassment on the Affidavit form printed there. When the Affidavit is complete, please indicate by your signature that you have witnessed the Plaintiff's signature on the Affidavit.
In appropriate circumstances, a judge may dispense with the need for an Affidavit. If the judge does so, leave the Affidavit form blank.
- 3. PLAINTIFF CONFIDENTIAL INFORMATION FORM.** Ask the Plaintiff to complete the Plaintiff Confidential Information Form. Seal that form in an envelope marked "PLAINTIFF'S ADDRESS - CONFIDENTIAL."
- 4. DEFENDANT INFORMATION FORM.** Provide the Plaintiff with the Defendant Information Form and ask the Plaintiff to complete it to the best of his or her ability.
- 5. HARASSMENT PREVENTION ORDER.** Read or summarize the Complaint and Affidavit over the telephone as requested by the judge. Please inform the judge if the Plaintiff does not want his or her residence and workplace addresses to appear in the court Order and thereby to be disclosed to the Defendant. If the judge issues an Order, please complete the Harassment Prevention Order form set, item by item, as the judge directs. Print in ballpoint pen and press hard enough so that all six parts (white, pink, yellow, blue, green and white) are legible. Leave the space for "Docket No." blank, but enter the name and address of the court where the judge makes the Order returnable. Print your name and police department, and print the name of the judge issuing the Order, in the appropriate spaces. At the bottom left of the Order, print the name of the "First or Chief Justice" as indicated by the issuing judge. Leave blank the space where the clerk-magistrate may attest the Order.
- 6. COLLATING AND DISTRIBUTING COPIES.** Separate the six parts of each page of the Order form set from the form stub that holds them together. If the Plaintiff has completed the Complaint form, match up and staple together the copies of the Complaint form with the matching color copies of the Order form: the white (Court) copies, the pink (Plaintiff's) copies, the yellow (Defendant's) copies, and the white (Probation) copies.
Give the pink copies of the Complaint and Order to the Plaintiff.
Deliver the white (Court) copies and the white (Probation) copies of the Complaint and Order on the next business day to the clerk-magistrate of the court where the Order is returnable, along with the Plaintiff Confidential Information Form in a sealed envelope and the Defendant Information Form.
Arrange for the yellow copies of the Complaint and Order to be served on the Defendant as soon as possible. If service on the Defendant cannot be made before the date and time of hearing shown in the Order, service of additional Orders may be necessary.
The two remaining copies of the Order are for police use: the blue copy of the Order is for your records; the green copy of the Order may be used for the return of service that must be filed with the Court.

DEFENDANT INFORMATION FORM AS PROVIDED BY PLAINTIFF G.L. c. 209A or G.L. c. 258E				DOCKET NO. (for court use only)		Massachusetts Trial Court 	
This information is requested to help police to identify and locate the Defendant in order to serve the Defendant with a copy of any restraining Order that is issued. Please provide as much information as possible.							
DEFENDANT'S NAME					DATE OF BIRTH		
OTHER NAMES USED BY DEFENDANT, IF ANY					PLACE OF BIRTH		
MOTHER'S MAIDEN NAME (FIRST & LAST)			FATHER'S NAME (FIRST & LAST)			SOCIAL SECURITY NO.	
SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE	EYES	HAIR	HEIGHT	WEIGHT	PHOTO AVAILABLE? (very helpful for ID) <input type="checkbox"/> YES <input type="checkbox"/> NO	
BUILD		OTHER PHYSICAL CHARACTERISTICS (beard, glasses, scars, tattoos, complexion, hairstyle)					
DEFENDANT'S HOME ADDRESS (NO., STREET, CITY, STATE, ZIP)					DEFENDANT'S HOME TELEPHONE NO.		
APT NO.	FLOOR NO.	NAME ON DOOR/MAILBOX		DOES DEFENDANT UNDERSTAND ENGLISH? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NOT, WHAT LANGUAGES?			
DEFENDANT'S EMPLOYER/WORKPLACE					WORK TELEPHONE NO.		
WORK ADDRESS (NO., STREET, CITY, STATE, ZIP)					TITLE		
DEPARTMENT					WORK HOURS		
OTHER PLACES DEFENDANT MAY BE FOUND (friends, bars, relatives, hangouts)					BEST PLACE TO FIND DEFENDANT		
MOTOR VEHICLE LICENSE PLATE	YEAR	MAKE	MODEL	COLOR	BEST TIMES TO FIND DEFENDANT		
DOES DEFENDANT HAVE: (describes very briefly)							
A history of violence toward police officers?				<input type="checkbox"/> NO <input type="checkbox"/> YES			
A history of using/abusing drugs or alcohol?				<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
Access to guns, a license to carry, or possess a gun?				<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
Psychiatric/emotional problems?				<input type="checkbox"/> NO <input type="checkbox"/> YES What kind?			
ANY OTHER INFORMATION WHICH MIGHT BE HELPFUL IN LOCATING THE DEFENDANT							
DATE SIGNED		PRINT PLAINTIFF'S NAME			PLAINTIFF'S SIGNATURE X		

PLAINTIFF CONFIDENTIAL INFORMATION FORM
G.L. c. 209A, § 8 or G.L. c. 258E, § 10

DOCKET NO. (for court use only)

Massachusetts Trial Court 

This form should be sealed in an envelope marked "PLAINTIFF'S ADDRESS - CONFIDENTIAL".

PLAINTIFF'S NAME

PLAINTIFF'S RESIDENTIAL ADDRESS

PLAINTIFF'S RESIDENTIAL TELEPHONE NO.

If this is an apartment building or other multiple family dwelling, check here

ANY FORMER ADDRESS PLAINTIFF HAS LEFT TO AVOID ABUSE (for G.L. c. 209A abuse prevention cases only)

NAME OF PLAINTIFF'S WORKPLACE

ADDRESS OF PLAINTIFF'S WORKPLACE

PLAINTIFF'S WORKPLACE TELEPHONE NO.

NAME OF PLAINTIFF'S SCHOOL

ADDRESS OF PLAINTIFF'S SCHOOL

PERSONS AUTHORIZED BY PLAINTIFF TO HAVE ACCESS TO THIS CONFIDENTIAL INFORMATION

THIS FORM IS CONFIDENTIAL AND IS NOT AVAILABLE TO THE PUBLIC, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY. Except with a judge's permission, this form is available only to you, to your attorney, to those you authorize to have access (see above), and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases, domestic violence counselors).

IF A JUDGE ORDERS THE DEFENDANT TO REMAIN AWAY FROM YOUR RESIDENCE OR WORKPLACE, THOSE ADDRESSES WILL APPEAR IN THE COURT ORDER. THEY WILL NOT BE AVAILABLE TO THE PUBLIC BUT THEY WILL BE DISCLOSED TO THE DEFENDANT. If you do not want those addresses to appear in the court Order and thereby be disclosed to the Defendant, you should specifically request that they be omitted from the court Order.

If you and the Defendant are both over 18, other court records of this matter will generally be open to public inspection. If you have good reasons to ask a judge to keep other parts of the court record from public inspection, ask the Clerk's or Register's Office to explain how to file a Motion for Impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure. You may also file a Motion for Impoundment if you have good reasons why your addresses or other confidential information in this case should not be disclosed to those who would otherwise have access in the course of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases, domestic violence counselors). Usually, a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection.

If either you or the Defendant are under 18, other court records of this matter will not be open to public inspection, and will be available only to you and the Defendant, and to your attorneys. They will also be available to the parent or guardian of any party who is under 18.

DATE SIGNED

PLAINTIFF'S SIGNATURE

X

**REQUEST FOR ACCESS TO
PLAINTIFF CONFIDENTIAL INFORMATION**
G.L. c. 209A, § 8 or G.L. c. 258E, § 10

DOCKET NO.

Massachusetts Trial Court



All requests for access to a Plaintiff's confidential information must be submitted to the Clerk-Magistrate or Register on this form. Requesters shall present a valid driver's license or other suitable photographic verification of the person's identity and signature and, as required by statute, set forth the reason(s) access to this information is necessary in the performance of their duties." MASSACHUSETTS TRIAL COURT DIRECTIVE OF NOVEMBER 10, 2000.

REQUESTER'S NAME

PLAINTIFF'S NAME

CONFIDENTIAL INFORMATION TO WHICH ACCESS IS REQUESTED

BASIS FOR ACCESS

1. Plaintiff or Plaintiff's Attorney
2. Authorized by Plaintiff to obtain such information
(Written authorization from Plaintiff must accompany request form unless requester is named in the Plaintiff Confidential Information form)
3. Prosecutor
Name, address and telephone number of prosecuting agency:

4. Law Enforcement Officer
Name, address and telephone number of law enforcement agency:

5. Victim-Witness Advocate (G.L. c. 258B, § 1)
Name, address and telephone number of prosecuting or other criminal justice agency:

6. Sexual Assault Counselor (G.L. c. 233, § 20J)
Name, address and telephone number of sexual assault victims' program:

7. Domestic Violence Counselor (G.L. c. 233, § 20K) (209A cases only)
Name, address and telephone number of domestic violence victims' program:

8. Other, authorized by Court
(A copy of the Court's order must accompany request form)

IF YOUR BASIS OF ACCESS IS (3) THROUGH (7) ABOVE, EXPLAIN HOW THE INFORMATION REQUESTED IS NECESSARY IN THE PERFORMANCE OF YOUR DUTIES
(G.L. c. 209A, § 8 or G.L. c. 258E, § 10 allow access only if necessary in the performance of your duties)

DATE

SIGNATURE OF PERSON REQUESTING ACCESS

TITLE

X

MOTION FOR IMPOUNDMENT & AFFIDAVIT
G.L. c. 209A, § 8 or G.L. c. 258E, § 10

DOCKET NO. (for court use only)

Massachusetts Trial Court



Pursuant to G.L. c. 209A, § 8 or G.L. c. 258E, § 10, your residential and workplace addresses:

- will automatically be kept from being disclosed to the public.
- will automatically be kept from being disclosed to the defendant and the defendant's attorney unless those addresses appear in the court Order because you have requested that the defendant be ordered to remain away from your residence or workplace.
- will be available to you, to your attorney, to those you authorize to have access, and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases only, domestic violence counselors).

If you have good reasons why your addresses should not be disclosed to those who would otherwise have access in the course of their duties, you may file this motion with the court requesting a judge to issue an Order of impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure. If you have good reasons, you may also request a judge to impound other information in this case from public inspection. You must explain why there is good cause for a judge to do so. Usually a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection. If you are requesting an Order of impoundment without prior notice to the defendant and any other interested persons, you must explain why immediate and irreparable injury may otherwise result.

1. Pursuant to Trial Court Uniform Rule VIII, I request the Court to order:

- that *my residential, workplace and/or school addresses and telephone numbers* be impounded so that they are not disclosed to those persons who would otherwise have access in the course of their duties.
- that *the following information in the case record* be impounded and unavailable for public inspection:
- _____
- _____
- I also request the Court to order such impoundment *without prior notice* to the defendant and any other interested persons, since immediate and irreparable injury may otherwise result.

2. This request is based on: _____

If more space is needed, attach additional pages and check this box:

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED

PLAINTIFF'S SIGNATURE

X

JUDGE'S ORDER ON MOTION FOR IMPOUNDMENT

- Motion **ALLOWED** ex parte based on a showing of good cause and that immediate and irreparable injury may result before the defendant or any other interested party may be heard in opposition.
- Motion **ALLOWED** based on a showing of good cause, after hearing with notice to the defendant and any other interested party.
- Motion **DENIED**.

DATE SIGNED

JUDGE'S SIGNATURE

X

**AFFIDAVIT FOR FILING
OUT-OF-STATE PROTECTIVE ORDER**
G.L. c. 209A, § 5A or G.L. c. 258E, § 7

MASSACHUSETTS DOCKET NO.
(for court use only)

Massachusetts Trial Court 

Pursuant to G.L. c. 209A, § 5A or G.L. c. 258E, § 7, I swear or affirm that to the best of my knowledge the order issued by

_____ of _____
(court) (state)

a certified copy of which is submitted with this affidavit, is presently in effect as written.

Signed under the penalties of perjury.

DATE SIGNED

PLAINTIFF'S SIGNATURE

X

Please submit with this affidavit a certified copy of the other state's court order and the Massachusetts "PLAINTIFF CONFIDENTIAL INFORMATION" and "DEFENDANT INFORMATION PROVIDED BY PLAINTIFF" forms.

STATUTORY EXCERPTS

G.L. c. 209A, § 1. "As used in this chapter the following words shall have the following meanings: . . .

"Protection order issued by another jurisdiction", any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection."

G.L. c. 209A, § 5A. "Any protection order issued by another jurisdiction, as defined in section one, shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

"A person entitled to protection under a protection order issued by another jurisdiction may file such order . . . by filing with the court a certified copy of such order which shall be entered into the statewide domestic violence record keeping system established pursuant to the provisions of (St. 1992, c. 188, § 7) and maintained by the office of the commissioner of probation. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the register or clerk of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

"A law enforcement officer may presume the validity of, and enforce . . . a copy of a protection order issued by another jurisdiction which has been provided to the law enforcement officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law enforcement officers may rely on such statement by the person protected by such order."

G.L. c. 258E, § 1. "As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings: . . .

"Protection order issued by another jurisdiction", an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection."

G.L. c. 258E, § 7. "Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

"A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

"A law officer may presume the validity of, and enforce . . . a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order."

