

WHAT YOU CANNOT DO

Part A of the Order explains exactly what you can and cannot do. **READ IT CAREFULLY.** You are required to obey **ALL** of the items that have been checked.

If ordered not to abuse the plaintiff:

This means:

- You must not do anything which might physically **harm** the plaintiff.
- You must not do anything that makes the plaintiff **afraid** that you might do physical harm.
- You must not use force or a threat of any kind to make the plaintiff have **sex unwillingly**.

BE CAREFUL!! If the plaintiff is frightened by your words or actions, even if you don't believe you are being abusive, it may still be considered abuse by a court.

If ordered not to contact the plaintiff:

This means you **MUST NOT** contact the plaintiff in any way!!

- **No** talking to the plaintiff
- **No** telephoning the plaintiff at all
- **No** leaving messages on an answering machine
- **No** writing to the plaintiff
- **No** sending the plaintiff flowers, gifts, candy or faxes
- **No** sending messages to the plaintiff through friends, relatives, children or anyone else
- **No** electronic messages/contacts, emails, text messages, etc.

In other words, **NO CONTACT** means **NO CONTACT AT ALL!**

If ordered to remain a certain distance away from the plaintiff:

The Order may specify that you stay a certain distance away from the plaintiff. This means you must **NEVER** be closer to the plaintiff than that distance. This includes public streets, shopping malls, movie theaters, grocery stores, schools, public transportation, or any other place.

Even if you are already at a place and the plaintiff comes in after you, you must leave or move further away.

REMEMBER – You cannot have contact with the plaintiff even if the plaintiff wants you to, invites you to have contact or initiates the contact.

If ordered to immediately leave:

This means you must:

- **Immediately** leave the house or apartment whose address is listed on the Order, and **stay away from the address.**
- Give the plaintiff the keys to the house or apartment.
- You cannot damage any property in the house or apartment.
- You cannot shut off any utilities, interrupt mail delivery, or interfere in any way with their service.
- You may also be ordered to stay away from the entire apartment building.

If plaintiff's address is impounded:

This means the Court will not tell you, your attorney, or anyone else the plaintiff's address.

If ordered to stay away from the plaintiff's workplace:

This means you must remain away from where the plaintiff works, including the parking lot.

If ordered to surrender custody:

This means the children will live with the plaintiff. The Court may allow you to visit with the children. If so, this Order, or a specific visitation order, will tell you when you may visit and how you are to pick up the children.

If ordered to pay support:

This means you must pay money to the plaintiff to help support the plaintiff and/or the children. The Order will specify the exact amount of money, how often you are to pay it, and whether you pay it directly to the plaintiff or through the Court.

If ordered to compensate the plaintiff:

This means you must pay for any damage to any property caused by you.

Other orders:

There may be additional orders written into the Order by the Court, which you are required to obey. **READ THEM CAREFULLY.**

If you own any FIREARMS (handguns, rifles, shotguns, etc.) you will be ordered to *immediately* surrender them to the police, along with your firearms identification card.

WHAT HAPPENS NEXT?

How long does this Order last?

The Order you have been given tells you what day and time it was issued. It also tells you when it ends. The Order will end on that date at 4:00 p.m., unless extended by the Court.

Can the Order be extended?

The Order you were given will have a "hearing date" written on the lower part. The "hearing" is for the Judge to decide whether this order should be extended, modified, or dismissed.

On the date that the order expires, the plaintiff may appear to request an extension. The extension can be for a specific period of time or the judge may make the Order permanent. If the Court decides after a hearing that the Order should be extended, it will remain in full force and effect until the date stated.

Do I have to go to court?

You have a right to appear at the hearing, with or without an attorney, to question the plaintiff, and to present your side to the Judge.

Whether you appear or not, the Judge may extend the Order!!

WHO CAN DISMISS THE ORDER?

Only the Court that issued the order can change or dismiss it.

This means that if you and the plaintiff want to get back together, the plaintiff must go back to the Court to request that the Order be changed or dismissed. The decision, however, is the Judge's, not the plaintiff's.

You **cannot** move back to the plaintiff's home or contact the plaintiff **even if you are invited**. If you make **any** contact, you will be in violation of the Order and **will be arrested**.

REMEMBER – Even if the Court changes or dismisses the Order, you cannot *abuse* the plaintiff!

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YOU CAN STOP THE VIOLENCE IN YOUR LIFE

You have been served with a restraining order because the plaintiff has been abused, threatened or frightened by you in some way.

You may have hit, slapped, pushed or restrained the plaintiff. You may have thrown objects, punched walls, kicked chairs or destroyed property. You may have been verbally or sexually threatening.

Battering is very common in our society and occurs in **all** economic, ethnic and racial groups.

Many people find it hard to accept and admit that they have a problem. They often blame the victim for "provoking" them.

Sometimes, people who are substance abusers try to blame the alcohol or drugs for their abusive behavior.

Some people have learned to express their anger through violence.

Battering is a learned behavior that can be unlearned.

The first step is to stop blaming others for your abusive behavior and to recognize you have a problem.

YOU CAN GET HELP

Don't wait until your situation gets worse. The problem will not go away by itself. Call one of the following numbers for help:

**Batterer's Intervention:
Moving Forward Program at ServiceNet, Inc.
(sliding scale fee)
Hampshire & Franklin County
413-587-9050
888-636-9050 (toll free)**

If you have any further questions about this Order, you should consult an attorney. For help in finding an attorney, you can call:

**Hampshire County Bar Association
Lawyer Referral Service
(413) 586-8729**

**Franklin County Bar Association
Lawyer Referral Service
(413) 773-9839**

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For The Defendant:

Understanding The 209A Law

It is important to read this brochure. It will help you understand your responsibilities.

You have been served with a restraining order. If you violate the no contact, stay away, vacate or refrain from abuse part of the order, *you will be arrested!*

READ THE ORDER

This brochure will help explain each part.

IMPORTANT TERMS

Plaintiff:

The plaintiff is the person who has asked the Court for protection from you. This person may be your spouse, ex-spouse, lover, friend, family member, roommate and any minor child.

Defendant:

The defendant is **you**.

Court:

The Court is named on the top right corner of the Order and is the authority which has issued this Order.