

What is a harassment prevention order?

A harassment prevention order is a civil order issued by a court to stop violent or threatening acts, abuse, communication, contact and/or harassment against you. It can also prevent a harasser (defendant) from coming within a certain distance from you. Any person who is being harassed can file a harassment prevention order. It does not matter whether the person harassing you is a stranger or someone you know.

M.G.L. c. 258E, sec. 1

What conduct meets the legal definition of harassment to get an order?

There must be three (3) or more acts of malicious (cruel) behavior:

- Against a specific person
- With the intent to cause fear, intimidation, abuse or damage to property
- **And** that those acts actually do cause fear, intimidation, abuse or damage to property

OR

The following crimes have been committed against the person seeking the order:

- Sexual assault or rape
- Kidnapping
- Stalking
- Criminal harassment
- Drugging persons for sexual intercourse

Even if you file for a civil harassment prevention order, you should call the police to report that someone has committed any of the above crimes against you.

How can a harassment prevention order help me?

The judge can order the harasser to do one or more of the following things.

1. Abuse or harassment of you
2. Stop contacting you, unless this is permitted by the court
3. Stay away from your home or workplace
4. Pay you money or reimburse your losses that resulted from the harassment such as loss of earnings from work, medical expenses, damage to property, the cost of replacing your locks, the cost for getting an unlisted phone number, your attorney's fees, etc.

Note: You can ask for the first three remedies (above) whether the harasser (defendant) is an adult or minor; you can only ask for the 4th one if the harasser is an adult.

How can I get a harassment prevention order?

You must file an application explaining why you need a harassment prevention order with the Clerk's Office in the District Court or Juvenile Court, if one or both parties is a juvenile, covering the town where you live. There is no charge for filing or receiving an order.

Tell the Clerk that you want to fill a Harassment Prevention Order. You will be given forms to fill out. You will need to list the harasser's name and address. You will be asked to fill out an affidavit (sworn statement) explaining the conduct which has caused you to be afraid, intimidated, or abused. The Clerk cannot fill out the forms for you.

Explain as clearly as possible at least three acts that caused you to be afraid or intimidated or abused. Be sure to include when the acts happened, what the acts were and why the acts caused you to seek an order.

Hearing

Usually on the same day, when the court schedule permits, your petition will be called and you will stand before the judge and explain why you need protection. The harasser is usually not in court. If the judge finds sufficient grounds to issue the order, you will receive a copy of the order.

This order will be in effect for up to 10 days. Your copy will have a date on it for a second hearing **which you must attend.**

The harasser will receive notice of the order. Note: The order is not effective until the harasser has been served with a copy of the order.

Second Hearing: You must attend the second hearing at the date and time indicated on your order. You may have a lawyer, friend, or advocate with you if you wish. If you do not appear, the order will be dismissed.

The harasser has a right to appear at the hearing and contest the order. He/She may hire a lawyer. After hearing from both sides, the judge will decide whether or not to extend or change the order. The judge may extend the order for up to a year.

What if I cannot go to the court or the courts are closed when I need the order?

If the court is closed, the police can help you by contacting the judge and asking for a temporary order by phone. This order would only last until the next day when the court opens, and you would have to go to court and file a petition and affidavit to keep it active. You should only seek an after hours order if you think it is an emergency. If you are unable to go to court because of your physical condition, a representative can go to court for you to file the petition and present an affidavit explaining your physical condition.

What if the order is violated?

Violation of the order is a criminal offense. For example, if the order tells the harasser not to contact you and he/she calls you, that is a crime. You should contact the police to report the violation. If the police have reason to believe the order has been violated, they will arrest the harasser and he/she will face criminal charges in court. If the harasser has contacted you by telephone in violation of the order, you should save any telephone messages and bring them to the police. They are evidence of a crime.

Local Resources:

District Court Clerk’s Offices:

Northampton,
15 Gothic Street
413-584-7400

Eastern Hampshire,
205 State Street, Belchertown
800-323-4056

Greenfield,
425 Main Street
413-774-5533

Orange,
1 Court Square
978-544-8277

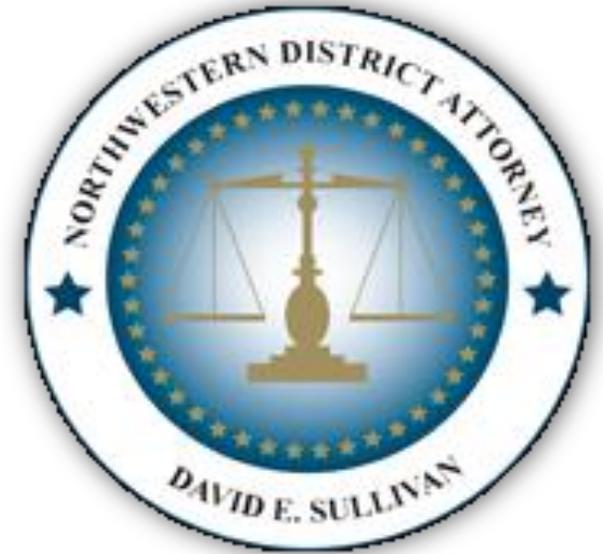
If you have been sexually assaulted:

Everywomen’s Center Counselor/Advocate Program
Amherst: 413-545-0800*
Toll Free: 978-337-0800*

NELCWIT (New England Learning Center for Women in Transition)
Franklin County and North Quabbin Area
413-772-0806*
800-249-0806*
Toll Free

*24 Hours

Harassment Prevention Orders



**Prepared by the Office of
Northwestern District Attorney
David E. Sullivan**

**Serving Franklin and Hampshire
Counties and the Town of Athol**

For More Information Please Do Not

Hesitate to Call

413-774-3186

413-586-9225

NorthwesternDA.org