

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 or abusive.

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.

GETTING HELP

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

Intimate Partner Abuse Education

Proteus Intimate Partner Abuse Education

Athol, Belchertown, Greenfield,
Northampton, Springfield and Ware
(413) 579-7570

Gandara Domestic Violence Program

Springfield
(413) 736-0395

Mental Health and Substance Abuse Services:

ServiceNet

400 Amity Street, Amherst
50 Pleasant Street, Northampton
55 Federal Street, Greenfield
877-984-6855 (toll free)
www.servicenet.org

Clinical and Support Options

491 Main Street, Athol; 978-249-9490
1 Arch Place, Greenfield; 413-774-1000
8 Atwood Drive, Northampton; 413-582-0471
www.csoinc.org

Center for Human Development

357 Main Street, Athol
179 Northampton Street, Easthampton
117 Main Street, Greenfield
131 West Main Street, Orange
844-CHD-Help (243-4357)
www.chd.org

Alcoholics Anonymous, Western Mass.

413-532-2111
www.westernmassaa.org

Narcotics Anonymous, New England Region

866-624-3578
www.nerna.org

Financial Counseling and Support:

Community Action

393 Main Street, Greenfield; 413-475-1570
17 New South Street, Northampton; 413-582-4237
167 South Main Street, Orange; 978-544-8091
6 South Street, Ware; 413-967-4920
www.communityaction.us

This project is supported by a Violence Against Women Act S.T.O.P. grant awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice to the Massachusetts Executive Office of Public Safety Programs Division and subgranted to the Northwestern District Attorney's Office. Points of view in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

For the 209A Defendant:

Understanding the Abuse Prevention Order and Getting Help

You have just been served with an abuse prevention order, also known as a restraining order, issued pursuant to chapter 209A of the Massachusetts General Laws. It is important to read the restraining order in full as well as this brochure to ensure you are aware of your responsibilities.

If you violate the no abuse, no contact, stay away, vacate, or surrender guns provisions of this order, you will be arrested. A

violation of these terms of the order is punishable by a jail sentence up to two and one half (2 ½) years, a fine up to \$5000, or both. A violation of any other terms of the order may also be punished by imposition of a substantial fine and/or a jail sentence.

You can stop the violence in your life.

This brochure contains resources where you can get help.



**Northwestern District Attorney David E. Sullivan's
Task Force on Domestic and Sexual Violence**

May 2019

UNDERSTANDING THIS ORDER

The Court has ordered you to do and not do certain things which are listed in the Order. You are required to obey **ALL** of the items that have been checked.

NO ABUSE:

If you have been ordered not to abuse the plaintiff, you are prohibited not only from physically harming the plaintiff, but also from: (a) threatening the plaintiff; (b) attempting to harm the plaintiff; (c) placing the plaintiff in fear of physical harm; and (d) using force or a threat of any kind to make the plaintiff have sex unwillingly with you.

IMPORTANT – If the plaintiff is frightened by your words or actions, even if you do not believe you are being abusive, it may still be considered abuse by the Court.

NO CONTACT:

If you have been ordered not to contact the plaintiff, this means that you cannot contact the plaintiff **IN ANY WAY**, directly or indirectly, including:

- Calling the plaintiff on the phone
- Sending a text message to the plaintiff
- Contacting the plaintiff through social media such as Facebook, Twitter, or Instagram
- Sending an email to the plaintiff
- Leaving messages on an answering machine
- Sending letters to the plaintiff
- Sending flowers, candy, or gifts to the plaintiff
- Sending messages to the plaintiff through friends, relatives, children, or anyone else

IMPORTANT – You cannot have contact with the plaintiff even if the plaintiff wants to have contact or initiates the contact. If you respond to contact initiated by the plaintiff, you will still be charged for violating the Order.

STAY AWAY:

If you have been ordered to remain a certain distance away from the plaintiff, 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.

IMPORTANT – Even if you are already at a place and the plaintiff comes in after you, you must leave or move away from the plaintiff at least the distance that has been ordered.

VACATE RESIDENCE:

If you have been ordered to immediately leave the plaintiff's residence, even if it was also your own residence, you must not return to the residence for any reason. The only exception is if the Court has specifically authorized on the Order for you to be able to return to the residence to retrieve your belongings, which **MUST** be done in the presence of the police.

IMPORTANT – Even if the deed/lease and utilities are solely in your name, you cannot damage the property in any way or shut off the utilities or mail delivery. You are also required to give your keys to the police.

SURRENDER GUNS:

If you have been ordered to surrender to the police any guns, ammunition, and gun licenses and FID cards, you must do so **IMMEDIATELY** to the officer serving the Order unless directed otherwise. This order not only includes guns that you own, but also guns or ammunition that you possess or have control over.

OTHER ORDERS:

The Court may have set other terms of the Order including, but not limited to: (1) ordering you to stay away from the plaintiff's work or school; (2) awarding custody of children to the plaintiff and ordering you to not contact the children; (3) ordering you to pay support or compensation to the plaintiff; and (4) ordering the custody of a pet to the plaintiff. You are required to abide by these terms the same as all others.

WHAT HAPPENS NEXT?

How long does the Order last?

The Order tells you what date and time it will expire (end). The Order will end on that date at 4:00 p.m., unless extended by the Court.

Can the Order be extended?

The Order will have a "hearing date" written on it. 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 Court may extend the Order!

WHO CAN DISMISS THE ORDER?

Only the Court that issued the order can change or dismiss it. Therefore, you **cannot** move back into the plaintiff's home or contact the plaintiff **even if you are invited**, unless the Order has been modified or dismissed by a Court. Even if the plaintiff initiates contact with you or asks you to move back in, if the Order is still in effect and you violate the terms, you will be arrested and charged. Although a plaintiff can ask the Court to modify, dismiss, or vacate the Order, the decision whether to do so belongs to the judge.

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