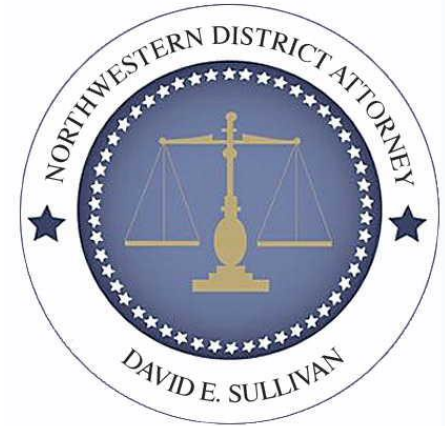


Harassment Prevention Orders



**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 Don't Hesitate to Call
(413) 774-3186
(413) 586-9225**

NorthwesternDA.org

What if I can't go to 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 (413) 323-4056

Greenfield,
43 Hope Street (413) 774-5533

Orange,
1 Court Square (978) 544-8277

If you have been sexually assaulted:

Center for Women and Community/Advocate
Program:
Amherst (413) 545-0800*
Toll free (888) 337-0800*

NELCWIT (New England Learning Center for
Women in Transition):
Franklin County and North Quabbin Area
(413) 772-0806*
Toll free (888) 249-0806*

*24 hours

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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 of you. Any person who is being harassed can file for 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
- Rape
- 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. Stop abusing or harassing you
2. Stop contacting you, unless this is permitted by the court
3. Stay away from your home or workplace
4. Pay you money to 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 a 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 covering the town where you live (courts are in Northampton, Greenfield, Orange and Belchertown). There is no charge for filing or receiving an order. Courts are open Monday through Friday 8:30 am to 4:30 pm.

Tell the Clerk that you want to file 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 what 3 acts 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.