

MASSACHUSETTS CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Massachusetts, there are 3 types of civil protection orders:

- ☐ **Domestic Abuse Prevention Orders** are available for individuals seeking protection from a family or household member; this includes someone with whom the petitioner has a substantive dating relationship (M.G.L. c. 209A §§1-11).
- ☐ **Harassment Prevention Orders** are available for individuals seeking protection from harassment or sexual violence (M.G.L. c. 258E §§1-12).
- ☐ **Extreme Risk Protective Orders** may be sought by a family or household member of an individual who poses a serious threat of physical harm to themselves or someone else (G.L. c. 140 § 131R – 131Y.).

DOMESTIC ABUSE PREVENTION ORDER

Who can apply?	An individual suffering from abuse from an adult or minor family or household member may file a complaint requesting protection from abuse. <i>G.L. c. 209A § 3.</i> Abuse is defined as one or more of: • Attempting to cause or causing physical harm; • Placing an individual in fear of imminent serious physical harm; or • Causing an individual to engage involuntarily in sexual relations by force, threat, or duress. <i>G.L. c. 209A § 1.</i>
Can minors apply?	Yes. The statute does not prohibit a minor from filing a complaint. But the MA Abuse Prevention Proceedings Guideline indicates that generally a parent or guardian should file the complaint on behalf of the minor. If a minor appears before the court without a parent or guardian, the court is instructed to consider obtaining authorization to proceed or appointing guardian/counsel for the minor. However, the court should not refuse to issue an abuse prevention order simply because no adult is present. See MA R ABUSE PREV Guideline 1:06.
Who can be restrained?	Any adult or minor family or household member. <i>G.L. c. 209A § 3.</i> Family or household members are those who: • Are or were married to one another; • Are or were residing together in the same household; • Related by blood or marriage; <i>continued on next page</i>

DOMESTIC ABUSE PREVENTION ORDER

Who can be restrained?	• Have a child in common; or • Are or have been in a substantive dating or engagement relationship. <i>G.L. c. 209A § 1.</i>
What types of relief may a court order?	A court order under this section may include, but is not limited to, the following: • Refrain from abusing plaintiff; • Refrain from contacting plaintiff; • Vacate and remain away from the household, multi-family dwelling, or workplace; • Award plaintiff temporary custody of a minor child; • Payment of temporary support for the plaintiff/child or both; • Payment of monetary compensation for losses sustained due to abuse; • The case record to be impounded; • Refrain from abusing or contacting the plaintiff's child. <i>G.L. c. 209A § 3(a)-(i).</i> The Court may also issue an order to suspend defendant's firearm license and order surrender all firearms and ammunition to law enforcement. <i>G.L. c. 209A § 3B.</i>
How long does the order last?	A period not longer than 1 year. <i>G.L. c. 209A § 3.</i>
Can the order be renewed?	Yes. On the face of the order, the Court will assign the date and time it expires, including the date and time in which the matter will be heard. If the Plaintiff appears at that time, the Court may extend the order for additional time reasonably necessary or issue a permanent order. The Court may also extend the order upon motion by the Plaintiff. <i>G.L. c. 209A § 3.</i>

DOMESTIC ABUSE PREVENTION ORDER

**Is a hearing with the
respondent
required?**

The Court may enter emergency or temporary ex parte orders as necessary to protect plaintiff from abuse without notice to the defendant. The Court shall give the defendant an opportunity to be heard on continuing the temporary order or granting other relief no later than 10 court business days after the temporary order is entered. *G.L. c. 209A § 4.*

HARASSMENT PREVENTION ORDER

Who can apply?	A person suffering from harassment may file a complaint seeking protection from harassment, which includes sexual assault. <i>G.L. c. 258E § 3.</i> Harassment is defined as: • 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 • An act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of various criminal statutes cited (including indecent assault, rape, criminal harassment, etc.). <i>G.L. c. 258E § 1.</i>
Can minors apply?	Yes. The statute does not prohibit a minor from filing a complaint.
Who can be restrained?	Anyone regardless of age or relationship to the complainant. <i>G.L. c. 258E § 3.</i>
What types of relief may a court order?	A court order under this section may include the following: • Refrain from abusing or harassing the plaintiff; • Refrain from contacting the plaintiff; • Remain away from household or workplace; • Pay monetary compensation for losses suffered due to harassment <i>G.L. c. 258E § 3.</i>
How long does the order last?	A period not longer than 1 year. <i>G.L. c. 258E § 3.</i>

HARASSMENT PREVENTION ORDER

Can the order be renewed?	Yes. On the face of the order, the Court will assign the date and time it expires, including the date and time in which the matter will be heard. If the Plaintiff appears at that time, the Court may extend the order for additional time reasonably necessary or issue a permanent order. The Court may also extend the order upon motion by the Plaintiff. <i>G.L. c. 258E § 3.</i>
Is a hearing with the respondent required?	The Court may enter emergency or temporary ex parte orders as necessary to protect plaintiff from abuse without notice to the defendant. The Court shall give the defendant an opportunity to be heard on continuing the temporary order or granting other relief no later than 10 court business days after the temporary order is entered. <i>G.L. c. 258E §§ 4-5.</i>

EXTREME RISK PROTECTION ORDER

Who can apply?	One of the categories of people who can file for an extreme risk protection order is a family or household member. <i>G.L. c. 140 § 121.</i> Family or household members are those who: • Are or were married to one another; • Are or were residing together in the same household; • Related by blood or marriage; • Have a child in common; or • Are or have been in a substantive dating or engagement relationship. <i>G.L. c. 140 § 121.</i>
Can minors apply?	The statute does not prohibit a minor from filing a complaint.
Who can be restrained?	Any person holding a license to carry firearms or a firearm identification card and may pose a risk of causing bodily injury to self or others. <i>G.L. c. 140 § 131R.</i>
What types of relief may a court order?	Surrender any licenses to carry firearms, firearms identification cards and all firearms, rifles, shotguns, machine guns, weapons and ammunition which the respondent then controls, owns or possesses, to the licensing authority of the municipality where the respondent resides. <i>G.L. c. 140 § 131S.</i>
How long does the order last?	Up to 1 year. See https://www.mass.gov/how-to/request-an-extreme-risk-protection-order.

EXTREME RISK PROTECTION ORDER

Can the order be renewed?	Yes, the petitioner may file a petition to renew. <i>G.L. c. 140 § 131S(3); G.L. c. 140 § 131R.</i>
Is a hearing with the respondent required?	The Court must notify the respondent in advance of the hearing but may issue an order if the respondent does not appear if the court finds that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses a risk of causing bodily harm to self or others. <i>G.L. c. 140 § 131S.</i>

HOW TO APPLY

Forms are available at the courthouse and online at <https://www.mass.gov/topics/courts-self-help>

Complainant files complaint in the superior court department, Boston municipal court department, or probate family district court department having venue over complainant's residence. If the complainant has left the residence to avoid abuse, the plaintiff has the option to file the action in the court having venue over either the prior or current residence.

G.L. c. 209A § 2.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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