

COMPLAINT FOR PROTECTION FROM ABUSE
(G.L. c. 209A) Page 1 of 2

COURT USE ONLY – DOCKET NO.

TRIAL COURT OF MASSACHUSETTS



A BOSTON MUNICIPAL COURT DISTRICT COURT PROBATE & FAMILY COURT SUPERIOR COURT _____ DIVISION

B Name of Plaintiff (<i>person seeking protection</i>) _____ my _____ (<i>relationship to Plaintiff</i>) has filed this complaint for me. <input type="checkbox"/> The Defendant is 18 or older.	F	Name of Defendant (<i>person accused of abuse</i>) _____ Defendant's Alias, if any Sex: <input type="checkbox"/> M <input type="checkbox"/> F
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C <input type="checkbox"/> I am 18 or older. <input type="checkbox"/> I am under the age of 18, and _____, my _____ (<i>relationship to Plaintiff</i>) has filed this complaint for me. <input type="checkbox"/> The Defendant is 18 or older.	G	The Defendant and Plaintiff: <input type="checkbox"/> are currently married to each other <input type="checkbox"/> were formerly married to each other <input type="checkbox"/> are not married but we are related to each other by blood or marriage; specifically, the Defendant is my _____ <input type="checkbox"/> are the parents of one or more children <input type="checkbox"/> are not related but live in the same household <input type="checkbox"/> were formerly members of the same household <input type="checkbox"/> are or were in a dating or engagement relationship.
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D To my knowledge, the Defendant possesses the following guns, ammunition, firearms identification card, and/or license to carry: _____	G	Does the Plaintiff have any children under the age of 18? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, the Plaintiff shall complete the appropriate parts of Page 2.
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E Are there any prior or pending court actions in any state or country involving the Plaintiff and the Defendant for divorce, annulment, separate support, legal separation or abuse prevention? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, give Court, type of case, date, and (if available) docket no.	H	Does the Plaintiff have any children under the age of 18? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, the Plaintiff shall complete the appropriate parts of Page 2.
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I On or about (dates) _____ I suffered abuse when the Defendant:
 attempted to cause me physical harm placed me in fear of imminent serious physical harm
 caused me physical harm caused me to engage in sexual relations by force, threat or duress

THEREFORE, I ASK THE COURT:

1. to order the Defendant to stop abusing me by harming, threatening or attempting to harm me physically, or placing me in fear of imminent serious physical harm, or by using force, threat or duress to make me engage in sexual relations.

2. to order the Defendant not to contact me, unless authorized to do so by the Court.

3a. to order the Defendant to leave and remain away from my residence: *See Plaintiff Confidential Information Form. If this is an apartment building or other multiple family dwelling, check here*

3b. to order the Defendant to leave and remain away from my workplace: *See Plaintiff Confidential Information Form.*

3c. to order the Defendant to leave and remain away from my school: *See Plaintiff Confidential Information Form.*

4a. to order that my residential address not appear on the order.

4b. to order that my workplace address not appear on the order.

4c. to order that my school address not appear on the order.

5. to order the Defendant to pay me \$ _____ in compensation for the following losses suffered as a direct result of the abuse:

6. to order the Defendant, who has a legal obligation to do so, to pay temporary support to me. **(You may not obtain a temporary Order from a Boston Municipal, District or Superior Court if there is a prior or pending Order for support from the Probate and Family Court.)**

7. to order the relief requested on Page 2 of this Complaint pertaining to my minor child or children.

8. to order the following: _____

9. to order the relief I have requested, except for temporary support for me and/or my child(ren) and for compensation for losses suffered, without advance notice to the Defendant because there is a substantial likelihood of immediate danger of abuse. I understand that if the Court issues such a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether such a temporary Order should be continued, and I must appear in Court on that day if I wish the Order to be continued.

DATE	PLAINTIFF'S SIGNATURE X <i>Lisa Smith</i>	Please complete affidavit on reverse of this page
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This is a request for a civil order to protect the Plaintiff from future abuse. The actions of the Defendant may also constitute a crime subject to criminal penalties. For information about filing a criminal complaint, you can talk with the District Attorney's Office for the location where the alleged abuse occurred.

INSTRUCTIONS TO THE PLAINTIFF

PROTECTION FROM ABUSE

Under chapter 209A of Massachusetts General Laws, Judges can make Orders to protect people from abuse by family or household members. These Orders will be recorded and enforced by law enforcement agencies. They are commonly called “Abuse Prevention Orders” or “Restraining Orders” or “209A Orders.” In an emergency that occurs after court hours or on weekends, you may ask your local police to put you in contact with a Judge.

CHECKLIST OF FORMS

COMPLAINT FORM: To request an Abuse Prevention Order, you must fill out a two-page Complaint form and any other appropriate forms. There is no filing fee. You are the “Plaintiff.” The person who you allege has abused you is the “Defendant.”

Part C: If either you or the Defendant is under the age of 18, indicate that in Part C. The law provides that such cases are not open to public inspection and are available only to the Plaintiff, the Plaintiff’s attorney, the person under 18, or a parent or guardian of the person under 18. If you and the Defendant are both over 18, court records of this matter will generally be open to public inspection. If you have good reasons to ask the Judge to keep other parts of the court record confidential, you may file a written request (a “motion”) asking the Judge to do so. Usually, a general preference for privacy is not a sufficient reason to permit court records to be kept confidential.

Part E: If you answer “Yes,” please bring with you to the courthouse any legal papers you have from any such court proceeding.

Part J: In number 5, financial losses may include, but are not limited to, lost earnings or support, costs for restoring utilities, replacement costs for locks or personal property removed or destroyed, medical and moving expenses, and reasonable attorneys’ fees.

AFFIDAVIT: On the back of the first (white) copy of the Complaint form is an affidavit where you should describe the abuse. When you are requesting relief after court hours, you must fill it out, unless a Judge indicates otherwise.

PLAINTIFF CONFIDENTIAL INFORMATION FORM. Enter the appropriate information (addresses and telephone numbers). The information provided on this form is accessible only by the Plaintiff, those authorized by the Plaintiff, those authorized by statute and by court order. However, the Plaintiff’s residential address and workplace address shall appear on the order and be accessible to the Defendant and the Defendant’s attorney unless the Plaintiff specifically requests that the information be withheld from the order. The form is kept by the court but is not part of the public record.

AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS: If you have any children, check “Yes” in Part H on Page 1 of the Complaint form, complete the top and any other appropriate parts of Page 2, and follow instructions in Part A on Page 2 for completing an Affidavit Disclosing Care or Custody Proceedings.

DEFENDANT INFORMATION FORM: This form describes the Defendant and where that person can be found. It will help law enforcement officers find that person to deliver the Order.



ISSUES PERTAINING TO CHILDREN

A. RELATED PROCEEDINGS. Is there any proceeding that the Plaintiff knows of or has participated in which is pending or has been concluded in any Court in the Commonwealth or any other state or country involving the care or custody (including any care & protection or guardianship actions) of the child or children of the parties? [] YES [] NO If Yes, the Plaintiff shall complete and file with this Complaint an Affidavit Disclosing Care or Custody Proceedings as required by Trial Court Uniform Rule IV, and provide copies of documents required by the Rule. This Affidavit and related information are available from the office of the Clerk-Magistrate or Register of Probate of the Court.

B. RELATED PROCEEDINGS. Are there any prior or pending court actions in any Court in the Commonwealth or in any other state or country involving the Plaintiff and the Defendant for paternity? [] YES [] NO

C. CUSTODY. The Plaintiff may not obtain an Order from a Boston Municipal, District or Superior Court for custody if there is a prior or pending Order for custody from a Probate and Family or Juvenile Court.

[] I request custody of the following minor child or children of the parties:

Table with 4 columns: NAME, AGE, NAME, AGE. Contains empty rows for listing children.

D. CONTACT WITH CHILDREN. I ask the Court to order the Defendant not to contact the following minor child or children unless authorized to do so by the Court:

Table with 4 columns: NAME, AGE, NAME, AGE. Contains empty rows for listing children to be protected from contact.

The specific reasons for this request are: _____

[] I ask the Court to order the Defendant remain away from the following school(s) and day care(s) (list names and addresses): _____

If the Plaintiff alleges that the Defendant has abused the above-named child or children, a separate Complaint may be filed on behalf of each child.

E. VISITATION. If the Plaintiff is filing this Complaint in the Probate and Family Court, the Plaintiff may request a Visitation Order. Such Visitation Orders are not available in other Courts. Regarding visitation, I ask the Court to [] permit visitation. [] order no visitation between the Defendant and our minor child or children. [] permit visitation only at the following visitation center: _____, to be paid for by _____ (name). [] permit only visitation supervised by _____ (name) at the following times: _____, to be paid for by _____ (name). [] order visitation only if a third party, _____ (name), picks up and drops off our minor child or children. [] other _____

F. TEMPORARY SUPPORT. The Plaintiff may not obtain an Order from a Boston Municipal, District or Superior Court for temporary support if there is a prior or pending Order for support from a Probate and Family or Juvenile Court.

[] I ask the Court to order the Defendant, who has a legal obligation to do so, to pay temporary support for any children in my custody.

DATE

PLAINTIFF'S SIGNATURE

X Lisa Smith