

# Restraining Orders 101: Part 1

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This is a two part series about the Restraining Order process in Massachusetts. Part 1 will give information if you are considering requesting a restraining order while Part 2 will detail the process of obtaining the protective order.

## Restraining Orders 101

If you or a loved one is experiencing domestic violence, a restraining order may be a valuable tool to keep you safe. If you are in immediate danger, call the police. Restraining orders, or 209A protective orders, are court orders that prohibit an abuser from coming within a certain distance of you or contacting you over the phone, e-mail, etc. and are thus designed to prevent further abuse. When you file for a restraining order, it is a civil claim. This means that the person you are accusing will not be sent to jail or fined if the restraining order is issued. However, if the abuser violates the terms of the restraining order, it does become a criminal issue, meaning they could face either fines or jail time.

In Massachusetts there are several important things to know when considering a restraining order. First of all, only certain types of relationships are eligible for restraining order coverage. These relationships are:

- A substantive dating relationship
- Living together in the same household
- Engaged or married
- Have a child together
- Related by blood or marriage

When you appear before a judge, the judge will only grant the restraining order if the relationship falls into one of the above categories and is therefore covered by law and if he or she believes there is “a substantial likelihood of immediate danger of abuse.” If a restraining order is granted, the abuser will need to surrender all guns and gun licenses to the police. This rule enacted by the Lautenberg Amendment of 1996 affects all people subject to restraining orders including those with who carry guns for their occupations such as police officers or military personnel.