

AFFIDAVIT

Describe in detail the most recent incidents of abuse. The Judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also describe any history of abuse, with as much of the above detail as possible. Note: Unless the Court allows a motion to impound, this affidavit will be public record, including any names or specific addresses included in the affidavit.

On or about _____ (date), the Defendant:

If more space is needed, attach additional pages and check this box: •

I declare under penalty of perjury that all statements of fact made above, including those provided on P.1, Section E and P.2, Sections A and B of the Complaint form regarding prior and/or pending court actions, and in any additional pages attached, are true to the best of my knowledge.

DATE SIGNED

PLAINTIFF'S SIGNATURE

WITNESSED BY

PRINTED NAME OF WITNESS

TITLE OF WITNESS

• If this box is checked, this form was completed by a police officer with information provided by the Plaintiff.

SIGNATURE OF OFFICER

PRINTED NAME/TITLE OF OFFICER

I have transcribed the above affidavit for the Plaintiff.

TRANSCRIBER'S SIGNATURE

PRINTED NAME OF TRANSCRIBER

- ☐ Court Certified Interpreter
☐ Court Screened Interpreter
☐ Other: _____
☐ Remote Translation via Telephone/Video

INSTRUCTIONS TO THE PLAINTIFF

ABUSE PREVENTION ORDERS

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 any 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

1. COMPLAINT FORM

To request an Abuse Prevention Order, you must fill out a Complaint form and other appropriate forms. There is no filing fee. You are the “Plaintiff.” The person you allege has harassed 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 be kept confidential.

Part E: If you answer “Yes,” please have with you any legal papers from any such court proceeding at the time of the hearing.

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 attorney’s fees.

2. AFFIDAVIT

When you have completed the Complaint form, you must then complete the form entitled Affidavit. Describe the details of the abuse. When you are requesting relief after court hours, you must fill out the Affidavit, unless a judge directs otherwise.

3. PLAINTIFF CONFIDENTIAL INFORMATION FORM

Enter the appropriate information (address(es), telephone number(s), email address). The information in 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.

4. DEFENDANT INFORMATION FORM

This form describes the Defendant and where Defendant can be found. If an Order is issued, this information will be used by law enforcement officers to locate the Defendant to deliver the Order.