Congratulations! You have finished all the forms you need to ask the court for a 209A Abuse Prevention or Restraining Order. The rest of the pages in this packet are your application.

## Next steps

1. File this application now, or keep a copy in a safe place to use later if you need it.
2. **Keep a copy for yourself.**
3. The clerk will tell you how to "go to" the hearing. It will probably happen over the phone or a "Zoom" video conference.
4. If the judge decides to give you a restraining order:
   * The judge will order that the police deliver a copy of the order to {{ other\_parties.familiar()}}
   * The court will probably send the order to your mailing address.
5. Check the order when you get it to make sure it is correct.
6. Keep a copy of the order with you all the time. Keep extra copies in safe places, like your car, with your babysitter, your child's doctor, or your parent's house.
7. Give copies of the order to everyone who should know about it, doctors, schools, work, church, and others.
8. Return to court for the 2nd hearing.

## To file your application right away

1. Look over the forms below, one more time. Make sure everything is correct.
2. Call the {{ courts[0] }}'s clerk: {{ courts[0].phone }} to find out how they want you to send your forms to them.
3. {%p if court\_closed\_today %}
4. The court is closed today. If you need a restraining order now, take these forms to your local police station. They can help you apply for a restraining order right away.
5. {%p elif after\_hours %}
6. The court is only open on weekdays between 8:30 AM and 4:30 PM. If you need a restraining order now, take these forms to your local police station. They can help you apply for a restraining order right away.
7. {%p endif %}
8. The address of your court, if you need it, is: {{ courts[0].address.on\_one\_line() }}.

The Probation department will find out if {{ other\_parties.familiar() }} has a criminal history. They will also find out if {{ other\_parties.familiar() }} has any other restraining orders. They will give this information to the judge.

## What happens in the hearing?

The judge reads your complaint and your affidavit. They may ask you questions.

**Tell** the judge why you need a restraining order. Talk about the facts that you wrote in your affidavit. Tell the judge about any police reports, medical records, or pictures of the abuse that you have.

If an advocate attends the hearing with you, the judge **may** let the advocate stand with you while you speak. The judge may ask the advocate questions about your case.

{%p if order\_relief\_ex\_parte %}

#### Note

The 1st hearing is called an "ex-parte hearing." “Ex-parte” means {{ other\_parties.familiar() }} is not present at the hearing.

## What can the judge do at the ex-parte hearing?

At the ex-parte hearing the judge can do 3 things:

1. Give you a restraining order and schedule a 2nd hearing. Your order is only good until the 2nd hearing. The 2nd hearing is usually scheduled in 10 days.
2. Decide they need to hear from {{ other\_parties.familiar() }} before they can make a decision. The judge schedules a 2nd hearing within 10 business days.
3. Deny your complaint. If the judge denies your complaint, the court will not send any information about your complaint to {{ other\_parties.familiar() }}.

## What happens if the judge makes the order?

If the judge decides to make an ex-parte restraining order, they:

1. Schedule a 2nd hearing within 10 business days.
2. Order that {{ other\_parties.familiar() }} be “served” with a copy of the order.
3. Send you a copy of the restraining order, probably by mail.

**Read** the order as soon as you get it. Call the court to fix any mistakes. You may need to go back in front of the judge to get the order corrected.

**Keep** a copy of the order with you at all times. Show this order to the police if {{ other\_parties.familiar() }} does something that is against the order. Keep extra copies in safe places, such as your car, with your babysitter, your child's doctors, your friend's house, or your parent's house.

The court can give you an extra copy of the order if you lose your copy.

## What happens after I get the ex-parte order?

The clerk gives a copy of the order to the police. The police deliver a copy of the order to {{ other\_parties.familiar() }}. This is called “serving the order” or “giving notice.”

**Note**

The order does not start working until the police “serve” {{ other\_parties.familiar() }} with a copy. The police should tell you when they have given {{ other\_parties.familiar() }} the order. Check with the police if you do not hear from them within a few hours.

The police will also stay at your home until {{ other\_parties.familiar() }} leaves if the order tells {{ other\_parties.familiar() }} to leave your home.

If {{ other\_parties.familiar() }} needs to get personal belongings from the house, they can make an appointment with the police to return to the house and take **only** personal belongings like clothes or medications.

## If I have my ex-parte order, why do I have to go back to court so soon for a second hearing?

The second hearing gives {{ other\_parties.familiar() }} a chance to tell the judge their side of the story.

You **must** return to court for the second hearing if you need the court to keep your restraining order in effect.

## What can I do if the judge does not give me the ex-parte order?

If the judge does not give you a restraining order, talk to an advocate about what you can do to appeal the judge's decision.

* Phone SafeLink: 1-877-785-2020, or
* If {{other\_parties.familiar() }} continues to abuse you, file a new application. In the affidavit in your new application tell the judge that {{other\_parties.familiar() }} has continued to abuse you and describe the most recent abuse.
* {%p else %} {# Plaintiff did NOT ask for an ex parte order #}
* The Court will schedule a hearing that both you and {{other\_parties.familiar() }} can attend. **You will not have a restraining order against {{other\_parties.familiar() }} while you are waiting for your hearing**. If you change your mind and you need an order right away, contact the court and tell them you need an “ex parte hearing”.
* {%p endif %} {# end if ex parte order #}

Find out more about what happens at the 2nd hearing, what you can do after your order ends and how to extend it if you still need it: [MassLegalHelp.org/domestic-violence/after-I-file](https://www.masslegalhelp.org/domestic-violence)