

## SUBSTANTIVE DIFFERENCES BETWEEN G.L. c. 209A and G.L. c. 258E

	<i>Abuse Prevention Orders (G.L. c. 209A)</i>	<i>Harassment Prevention Orders (G.L. c. 258E)</i>
<i>Jurisdiction</i>	<ul style="list-style-type: none"> <li>• District Court &amp; BMC</li> <li>• Probate &amp; Family Court</li> <li>• Superior Court (except for dating relationships)</li> </ul>	<ul style="list-style-type: none"> <li>• District Court &amp; BMC</li> <li>• Juvenile Court (if both parties under 17)</li> <li>• Superior Court</li> </ul>
<i>Venue</i>	<ul style="list-style-type: none"> <li>• Plaintiff's residence</li> <li>• Plaintiff's former residence left to avoid abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Plaintiff's residence</li> </ul>
<i>Eligibility for relief</i>	<p>"Suffering abuse"</p> <p><b>"Abuse"</b> is any of the following acts between family or household members:</p> <ul style="list-style-type: none"> <li>• attempting to cause or causing physical harm</li> <li>• or placing another in fear of imminent serious physical harm</li> <li>• or causing another to engage involuntarily in sexual relations by force, threat or duress.</li> </ul> <p><b>"Family or Household Members"</b></p> <ul style="list-style-type: none"> <li>• are or were married to one another</li> <li>• or are or were residing together in the same household</li> <li>• or are or were related by blood or marriage</li> <li>• or have a child in common regardless of whether they have ever married or lived together</li> <li>• or are or have been in a substantive dating or engagement relationship.</li> </ul>	<p>"Suffering harassment"</p> <p><b>"Harassment"</b> is defined as:</p> <ul style="list-style-type: none"> <li>• 3 or more acts– <ul style="list-style-type: none"> <li>□ Each aimed at a specific person</li> <li>□ Each was willful and malicious</li> <li>□ Each was done with intent to cause fear, intimidation, abuse or property damage</li> <li>□ Each did in fact cause fear, intimidation, abuse or property damage</li> </ul> </li> <li>• or one act that "by force, threat or duress causes another to involuntarily engage in sexual relations"</li> <li>• or one act that constitutes one of the following: <ul style="list-style-type: none"> <li>□ Indecent A&amp;B on a child (G.L. c.265, §13B)</li> <li>□ Indecent A&amp;B on a mentally retarded person (§13F)</li> <li>□ Indecent A&amp;B (§13H)</li> <li>□ Rape (§22) or Statutory rape (§23)</li> <li>□ Forcible rape of a child (§22A)</li> <li>□ Assault with intent to rape (§24)</li> <li>□ Assault with intent to rape a child (§24B)</li> <li>□ Enticement of a child (§26C)</li> <li>□ Criminal stalking (§43)</li> <li>□ Criminal harassment (§43A)</li> <li>□ Drugging for sexual intercourse (c. 272, §3)</li> </ul> </li> </ul> <p><b>"Abuse"</b> is:</p> <ul style="list-style-type: none"> <li>• attempting to cause or causing physical harm to another</li> <li>• or placing another in fear of imminent serious physical harm.</li> </ul> <p><b>"Malicious"</b> is "characterized by cruelty, hostility or revenge."</p>
<i>Eligibility for ex parte relief</i>	Substantial likelihood of immediate danger of abuse	Substantial likelihood of immediate danger of harassment
<i>Available relief</i>	<p>Relief may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Do not abuse the plaintiff</li> <li>• Do not contact the plaintiff</li> <li>• Vacate and remain away from the plaintiff's household, multiple family dwelling, and workplace</li> <li>• Pay restitution for directly-resulting losses</li> <li>• Impounding information pursuant to court rules</li> <li>• Pay temporary support for the plaintiff and/or child</li> <li>• Temporary custody of a minor child</li> <li>• Surrender firearms, gun licenses and FID cards</li> </ul>	<p>Relief is limited to:</p> <ul style="list-style-type: none"> <li>• Do not abuse or harass the plaintiff</li> <li>• Do not contact the plaintiff</li> <li>• Remain away from the plaintiff's household or workplace</li> <li>• Pay restitution for directly-resulting losses</li> <li>• Impounding information pursuant to court rules</li> </ul>