because they are sometimes less able to protect themselves or to reach out for help. The elderly and children are protected under Massachusetts Law by the Elder Abuse Reporting and Protective Service Act and the Child Abuse Act, as well as the Abuse Prevention Act. If you are being abused, or if you are aware that a child or elderly person is being abused, call the police and/or the agencies listed.

LOCAL RESOURCES FOR SUPPORT

Elder Abuse

Highland Valley Elder Services:
Northampton 413-586-2000
Toll free 800-322-0551

Franklin County Home Care Corporation:
Greenfield 413-773-5555
Toll free 800-732-4636

Greater Springfield Senior Services:
Springfield 413-781-8800

24-hour Hotline (Toll free) 800-922-2275

Child Abuse

Department of Children and Families (DCF):
Holyoke 413-493-2600
Toll free 800-698-3935
Greenfield 413-775-5000
Toll free 800-842-5905

24-hour Hotline (Toll free) 800-792-5200

Children's Protective Services (MSPCC):
Greenfield 413-773-3608
Holyoke 413-532-9446

Shelter Referral/Counseling/Advocacy

***24-hour service**

Safe Passage:
Northampton 413-586-5066*
Toll free 888-345-5282*

NELCWIT (New England Learning Center for Women in Transition):
Greenfield 413-772-0806*
Orange/Athol 978-544-9857
Toll Free 888-249-0806*

GLBTQ Domestic Violence Project:
Toll free 800-832-1901*

Center for Women and Community Counselor/Advocate Program:
Amherst 413-545-0800*
Toll free 888-337-0800*

Womanshelter/Compañeras:
Holyoke 413-536-1628*
Toll free from Palmer/Ware 284-1628*

YWCA, Springfield 413-733-7100*
Toll Free 800-796-8711*

Valley Human Services:
Ware 413-967-6241

Help for Batterers

Moving Forward Program at ServiceNet, Inc.
(sliding scale fee)
Hampshire & Franklin County
413-587-9050
888-636-9050 (toll free)

Gandara Domestic Violence Program:
Springfield 413-736-0395

Updated June, 2012

Court Information/Advocacy

Victim/Witness Assistance Unit of the Northwestern District Attorney's Office:
Greenfield 413-772-6944
Belchertown 413-323-5275
Northampton 413-586-5780
Orange 978-544-7376
TDD (hearing impaired) 413-586-9382

SAFEPLAN Advocate:
Northampton District Court 413-586-4545
Hampshire Probate Court 413-585-8343
Eastern Hampshire District Court 413-332-1197
Hampden Probate Court 413-737-8297
Greenfield District Court 413-772-0806
Franklin Probate Court 413-772-0806
Orange District Court 978-544-9857

Western Massachusetts Legal Services:
Northampton 413-584-4034
Greenfield 413-774-3747

District Court Clerk's Office:

Northampton 413-584-7400
Eastern Hampshire 800-323-4056
Greenfield 413-774-5533
Orange 978-544-8277

YOU NEED NOT BE ALONE

NO ONE DESERVES TO BE ABUSED

NO ONE DESERVES TO BE ABUSED

If you are being hit, kicked, intimidated, harassed, threatened and/or physically or emotionally abused in any way, **HELP** is available. This brochure will show you how to get help.

Prepared by
Northwestern District Attorney
David E. Sullivan's
DOMESTIC VIOLENCE TASK FORCE
Serving Franklin and Hampshire Counties
And the town of Athol

THE ABUSE PREVENTION ACT (Chapter 209A of Massachusetts General Laws)

- The purpose of this law is to protect you. The orders received under this law are civil orders. Asking for protection under this law will not send the abuser to jail or create a criminal record unless the abuser violates specific sections of the law or is already on probation.
- It does not cost anything to file.
- You do not need a lawyer to file for a 209A order.
- You can also apply for criminal charges against the abuser.

The Abuse Prevention Act defines Abuse As:

- Causing or attempting to cause you physical harm
- Placing you in fear of imminent serious physical harm, threatening you or otherwise doing something to make you think you will be hurt at any moment
- Causing you to engage involuntarily in sexual relations by force, threat, or duress (even if it is your spouse or former spouse)

You can use the Abuse Prevention Act if you have been abused by:

- Your spouse, former spouse or any family member, whether or not you live with them
- Any household member, whether or not you are related to them
- Someone with whom you are or have been in a serious dating or engagement relationship
- Someone with whom you have a child in common

What kind of protection is available?
You may ask for any or all of the following orders:

- An order that the abuser stop abusing you
- An order that the abuser is not to contact you, or your child(ren), unless authorized by the court. This means to have NO CONTACT directly or indirectly (includes: telephone calls, letters, calls from abuser's relatives or friends)
- An order that the abuser leave and remain away from your residence
- An order to impound (keep confidential) your address to prevent its disclosure to the abuser, the abuser's attorney, or the public
- An order that the abuser leave and remain away from your workplace
- An order that awards you temporary custody of children under 18 years of age
- An order requiring the abuser to pay temporary support for you and/or children in your custody if the abuser has a legal obligation to do so
- An order requiring the abuser to pay compensation for out of pocket expenses resulting from the abuse (medical bills, lost wages, moving expenses, attorney's fees, damage to property, costs for restoring utilities, replacement costs of locks or personal property removed or destroyed)
- An order requiring the abuser to surrender any keys to your residence
- An order prohibiting the abuser from damaging any of your belongings or property or turning off utilities
- An order requiring the abuser to be accompanied by police when picking up personal belongings
- An order removing all firearms from the abuser

You also have the following rights:

- To have the police stay with you until you and your children can leave or until your safety is otherwise insured
- To have the police drive you and your children to a hospital or otherwise assist you if you need medical help
- To have the police assist you in finding and getting to a safe place
- To file a criminal complaint against your abuser for assault and battery, rape, assault with a dangerous weapon, etc.

How to get a court order for protection from abuse:
Court advocates are available to assist you in filing an application. See Court Information/Advocacy section.

1. Where to file: The Clerk's Office in District, Superior and Probate Courts is available Monday through Friday, 8:30 a.m. to 4:00 p.m. When court is not in session, you can request an emergency order through your local or state police department. A judge will be available to issue an order any time of the day or night, including holidays.

2. Hearing: You will be called before a judge who will ask you to explain why you need protection. If the judge issues any orders, they will be given to you in writing at that time. These orders are valid for up to ten court business days. Your copy will have a date on it for a second hearing, which you **must** attend.

3. Notice to the abuser: If the judge issues temporary orders, the police will serve the abuser with notice of the orders. (NOTE: The order is not effective until the abuser has actually been served with the notice.)

4. Second hearing: Within ten court business days of receiving the emergency order, you must report for a second hearing at the court and date/time indicated on your order. You may have a lawyer, friend or advocate accompany you if you wish. If you do not appear, the order will be dismissed. The abuser has a right to appear at this hearing and to contest the order, with or without a lawyer. After hearing from those present, the judge will decide whether or not to extend or change the order. The judge may extend the order for up to a year, at which point it may be renewed for another year, or permanently, if necessary. The abuser's presence is not required for the order to be extended. The judge must, however, have proof the abuser received the order to be able to extend it.

What if the protective order is violated?

Violation of either the no contact, stay away from your residence or do not abuse components of the order constitutes a criminal offense. If the abuser disobeys the order, s/he has committed a crime. You should contact the police immediately if your order is violated. The law require that the police do whatever is necessary to protect you from further abuse. If the police have reason to believe a violation has occurred, they must arrest the abuser immediately. If you have a protective order from another state, it is enforceable in this state.

What if I no longer need a protective order?

If you feel you are no longer in danger of abuse, you may go to the Clerk's Office to request an appearance before a judge to remove the order (all or part). *Advocates are available to discuss your options.* **If you fail to remove the order, the abuser will be arrested if the order is violated, even if you no longer wish the order to be in effect.**

FILING A CRIMINAL COMPLAINT

If you are in danger and in need of protection, your first call should be to the police. If you have already experienced previous criminal conduct directed toward you, in addition to seeking a protective order, you also have the option of filing a criminal complaint. To file a criminal complaint, go to the District Court Clerk's Office and fill out an **application for criminal complaint**, which will include making a sworn statement about the specific incident of abuse. The Clerk will review your application. If the Clerk finds a basis for the filing, s/he will either issue a complaint and warrant or schedule a show cause hearing.

A complaint and warrant will be issued if the Clerk feels that you are at risk, based on the seriousness of the offense, threat of serious bodily injury, or the possibility of your abuser fleeing. The police will be ordered to arrest the abuser and bring him/her before the court.

The purpose of a show cause hearing is to determine whether the abuser should be charged with a criminal offense. This is a private, informal hearing where both parties are present. You may bring a lawyer or a support/legal advocate and a witness if you wish. The abuser also has the right to bring a lawyer.

Once a criminal complaint has been issued, the abuser is brought before the court for arraignment, at which point s/he is formally charged. If you are afraid you might be threatened or hurt again, the judge can order the abuser to stay away and have no contact (direct or indirect) with you as a condition of release.

After arraignment, the case will be prosecuted by the District Attorney's Office. Its **Victim/Witness Assistance Unit** will help you through the court process. You are not expected to hire your own attorney.

CHILD ABUSE/ELDER ABUSE

Children and the elderly can also be victims of domestic violence. Abuse may consist of emotional or physical injury, sexual abuse, intimidation, neglect, abandonment or financial exploitation (elders). The young and the elderly can be more vulnerable to abuse