

Legal Resources as a Tool: Protecting Survivors
MassHousing DV/SA Conference
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BRIGHAM HEALTH



**BRIGHAM AND WOMEN'S
Center for Community Health and Health Equity**

Case Example



Legal issues



Criminal case



Civil issues



Possession of the property



Does Joe have a right to
be there? Why or why
not?

Restraining Orders MGL c. 209A

What is a Restraining Order

Who can get one?

Where can I get one?

Who can enforce it?

Can housing "require it"?
Can DCF or police require it?

Restraining
Orders:
Relationship
Requirement

Plaintiff – must have a relationship to the Defendant

Live together (current or past)

Married (current or past)

Share a child together (no living
together | relationship requirement)

Related by blood or marriage

Substantive dating relationship



Fear of IMMEDIATE
SERIOUS PHYSICAL HARM



Caused or attempted to
cause physical harm



Threatened to cause
physical harm



Causing another to
involuntarily engage in
sexual act by force, threat
or duress

Restraining Order: Abuse Requirement

Restraining Order Relief

1. No abuse
2. Stay away from Plaintiff
3. **Stay away from location (a. Residence; b. Workplace; c. School)**
4. Impound Address
5. \$ for losses
6. Support (spousal | child)
7. Children issues
8. Other | Pets



Trespass -
MGL 266 c
120

Requirements - Notice

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graph TD; A[Requirements - Notice] --> B[Who can get one?]; B --> C[What if the "victim" is not onboard?]; C --> D[How to work collaboratively with "victim"]; style A fill:#e67e22,color:#fff; style B fill:#7f7f7f,color:#fff; style C fill:#f1c40f,color:#fff; style D fill:#3498db,color:#fff;
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Who can get one?

What if the "victim" is not onboard?

How to work collaboratively with "victim"

Harassment Orders MGL c 258E



Prevent harassment, stalking, or sexual assault



No relationship requirement



Requires 3 or more incidents that are willful and malicious, aimed at plaintiff and qualify as “abuse”



Sexual assault or attempted SA



Attempted or committed another type of crime- rape, indecent AB, criminal stalking, criminal harassment

Who can help?



Domestic Violence Programs – legal advocates



District Attorney Office- victim witness advocates



MOVA- SafePlan advocates



Police Departments- civilian advocates

Custody | Visitation



Maria and Joe – he is released from jail- he is allowed to visit his child.
What questions/concerns do you have?



If there is a restraining order against Joe?



What if criminal case is dropped, and the restraining order vacated? How would you handle this with Maria?

Resources



General Resources

- [Safelink 877-785-2020](#)
- [Jane Doe, Inc.](#)
- [Mass Legal Help](#)
- [Healing Trauma- JDI](#)

Programs with attorney support

- [Casa Myrna](#) - Boston
- [DOVE- Quincy](#)
- [Jeanne Gieger Crisis Center](#)
North Shore | Merrimack Valley
- [Passageway – Boston](#)



Questions and Answer

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