

MAINE JUDICIAL BRANCH

Plaintiff

DISTRICT COURT

Location (Town): _____

Docket No.: _____

individually **and** on behalf of:

on behalf of:

V.

Defendant

on behalf of:

COMPLAINT FOR PROTECTION FROM HARASSMENT

5 M.R.S. §§ 4651 et seq.

1. Plaintiff information:

Full name: _____

Gender: Female Male Other Date of Birth (mm/dd/yyyy): _____

Present street address (street address, city, state) (Do NOT list your address if your address is to be kept confidential.

Instead, complete form PA-015, Affidavit for Confidential Address, which can be obtained from the clerk or at

www.courts.maine.gov): _____

If different, mailing address: _____

Telephone number: _____

If you are filing this complaint on behalf of a minor, please provide the following information:

Minor's Name	Minor's Date of Birth (mm/dd/yyyy)	Minor's Gender (select one)
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other
_____	_____	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other

2. Defendant information:

Full name: _____

Gender: Female Male Other Date of Birth (mm/dd/yyyy): _____

Race: White Black Asian or Pacific Islander American Indian or Alaskan Indian Unknown

Present street address: _____

If different, mailing address: _____

Telephone number: _____

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Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

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If you are filing this complaint against a defendant on behalf of a minor, please provide the following information:

Minor's Name, Minor's Date of Birth (mm/dd/yyyy), Minor's Gender (select one)
[] Male [] Female [] Other
[] Male [] Female [] Other
[] Male [] Female [] Other
[] Male [] Female [] Other
[] Male [] Female [] Other
[] Male [] Female [] Other

3. Plaintiff has not been involved in any way in, and has no information about, another court case in any state concerning the custody of the child(ren) named in this complaint, except as follows:

- [] Divorce or family matter action
[] Protection from abuse
[] Guardianship of minor [] Name change of minor [] Adoption of minor
You must select the court in which the case was filed: [] Probate Court [] District Court
[] Protective custody
[] Juvenile matter
[] Other (describe what kind of other case):

If there are any court orders awarding custody, visitation, etc. for the child(ren) or any court orders against the defendant or any actions pending against either the plaintiff or the defendant, give details:

4. You must choose either (a) or (b):

[] (a) This claim involves an allegation of domestic or dating violence, sexual assault, stalking, sex trafficking or unlawful dissemination of certain private images:

OR

[] (b) This claim does not involve an allegation of domestic or dating violence, sexual assault, stalking, sex trafficking or unlawful dissemination of certain private images:

5. You must choose either (a) or (b):

[] (a) I have attached to this Complaint a copy of the notice(s) issued by law enforcement pursuant to 17-A M.R.S. § 506-A to defendant to stop harassing me (or the person on whose behalf I am filing this Complaint).

OR

[] (b) I have not sought/obtained from law enforcement a notice to defendant to stop harassing me (or the person on whose behalf I am filing this Complaint) because the harassment:

- [] Meets the definition in 5 M.R.S § 4651(2)(C), or relates to an allegation of:
[] domestic violence,
[] violence against a dating partner,
[] sexual assault
[] stalking, or
[] harassment.

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6. Explain why you are asking for protection from the defendant – who, what, when, where, etc. (If additional space is needed, attach another sheet).

MOTION FOR TEMPORARY ORDER (OPTIONAL)

I am in immediate and present danger of physical abuse or extreme emotional distress from the defendant’s conduct or my business property is in immediate and present danger of suffering substantial damage as a result of the defendant’s actions because:

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I therefore request that a temporary order for protection from harassment be issued.

REQUEST FOR RELIEF (you must select one or more of the options below)

I ASK THE COURT TO:

- (a) Order the defendant to stop harassing me.
(b) Order the defendant to have no direct or indirect contact with me.
(c) Order the defendant not to enter my residence.
(d) Order the defendant to refrain from repeatedly, and without reasonable cause, following me or being at, or in the vicinity of, my home, school, business, or place of employment.
(e) Order the defendant to refrain from interfering with my property.
(f) Order the defendant to remove, destroy or return the private images or direct the removal, destruction or return of same, order the defendant to stop disseminating the private images, and further order the defendant not to disseminate the private images at any time in the future.
(g) Order the defendant to pay monetary compensation for losses that I have incurred as the result of the harassment.
(h) Order the defendant to pay my attorney fees and court costs and to order any other necessary and proper relief.
(i) Order the defendant to refrain from destroying, transferring or tampering with my passport or any other Immigration documents.

You are hereby put on notice that it is a crime to make a false statement under oath in a court document:

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000.00 if I give false information to the court.

Date (mm/dd/yyyy):



Signature of Plaintiff

PLEASE NOTE: If you are not filing this complaint electronically, you must have a clerk or notary sign below. If you are filing this complaint electronically, you may file it without notarization as long as you checked off the above certification and signed this document.

STATE OF MAINE

COUNTY

Personally appeared the above named, , and made oath that the foregoing statements are true under penalty of perjury.

Date (mm/dd/yyyy):



Clerk Notary Public Attorney

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MAINE JUDICIAL BRANCH

PROTECTION ORDER SERVICE INFORMATION

DEFENDANT

Defendant's Name: _____

Home Address: _____

Apartment number and/or floor: _____

Color of house or other description: _____

If living with another person, other person's name: _____

Telephone: home/work/cell: _____

Hours defendant will most likely be at home: _____

Name of Employer: _____

Work Address: _____

Work Schedule: Mon Tues Wed Thurs Fri Sat Sun

Hours Worked: _____ AM PM to _____ AM PM

PHYSICAL DESCRIPTION (If known)

Birth Date (mm/dd/yyyy): _____

Height: _____

Weight: _____

Hair Color: _____

Eye Color: _____

Gender: _____

Race: White Black Asian or Pacific Islander American Indian/Alaskan Native Other

VEHICLE (If known)

Make and Year (yyyy): _____

Type/Model: _____

Color: _____

Registration No. and State: _____

If you are unable to provide the above information, please list below the name, address, and telephone number of anyone who can help the serving officer locate the defendant:

ADDITIONAL INFORMATION

Does the defendant own a firearm or other weapon? No Yes

If the defendant owns a firearm or other weapon, answer the following questions:

Describe the weapon(s): _____

Where is/are the weapon(s) usually kept? Include the address where the weapon(s) are usually kept and describe the location of the weapon(s) (i.e., under the bed), if known: _____

Does the defendant have a history of violence? _____

Is there anything else the serving officer should know about the defendant? _____

PLAINTIFF

Plaintiff's Name: _____

Address (unless confidential): _____

Telephone: home/work/cell (unless confidential): _____

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MAINE JUDICIAL BRANCH

Plaintiff

DISTRICT COURT

individually and on behalf of:

Location (Town): _____

Docket No. _____

on behalf of:

v.

Defendant

on behalf of:

AFFIDAVIT OF CONFIDENTIAL ADDRESS

19-A M.R.S. § 4008, 5 M.R.S. § 4656

I am the plaintiff defendant in this case and I request that the court keep the following information confidential:

Physical address: _____

Mailing address: _____

Email address: _____

Telephone number: Cell _____ Home _____

Work _____

Other (_____): _____

I state under oath that the health, safety or liberty of myself and/or my child(ren) would be jeopardized by disclosure of this information for the following reasons:

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.

Date (mm/dd/yyyy): _____



Signature of plaintiff defendant

STATE OF MAINE

COUNTY _____

Personally appeared the above named, and made oath that the foregoing statements are true under penalty of perjury.

Date (mm/dd/yyyy): _____



Attorney at Law Notary Public Clerk

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**PROTECTION FROM ABUSE OR PROTECTION FROM HARASSMENT:
WHAT KIND OF CASE SHOULD I FILE?**

Protection from Abuse (PFA)	Protection from Harassment (PFH)
<p>Regardless of your age, you can file a PFA against your family or household member or your current or former dating partner who has abused you. <i>(Please note that if you are a minor child, your parent or other person responsible for you will have to file the PFA on your behalf.)</i></p>	<p>Regardless of age, you can file a PFH against anyone if you have been a victim of that person's:</p> <ul style="list-style-type: none"> • Harassment (which means three or more acts of intimidation, confrontation, actual or threatened physical force by the defendant, made with the intention of causing fear, intimidation, or damage to personal property, and that do in fact cause fear, intimidation, or damage to personal property); • A single act or course of conduct constituting a serious criminal act, such as: <ul style="list-style-type: none"> ○ assault, ○ criminal threatening, ○ sexual assault, ○ terrorizing, ○ kidnapping, ○ aggravated assault, ○ arson, ○ violation of privacy, or • Violation or interference with your constitutional or civil rights. <p><i>(Please note that if you are a minor child, your parent or other person responsible for you will have to file the PFH on your behalf.)</i></p>
<p>Regardless of your age, you can also file a PFA <u>against anyone</u> who has:</p> <ul style="list-style-type: none"> • stalked you; • sexually assaulted you; • used or threatened to use intimate private images of you or against you; or • has forced you or led you into sex trafficking. 	
<p>If you are 60 or older, or a dependent or incapacitated adult, you can file a PFA <u>against a family member or unpaid care provider</u> if that person has abused you.</p>	
<p>If you are a minor, your parent or other person responsible for you can get a PFA on your behalf <u>against anyone</u> who has:</p> <ul style="list-style-type: none"> • sexually exploited you; • shared or intends to share sexually explicit images of you (only if you are 16 or under); or • harassed you by telephone or by electronic devices. 	

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KEY DIFFERENCES: PROTECTION FROM ABUSE v. PROTECTION FROM HARASSMENT

Protection from Abuse (PFA)	Protection from Harassment (PFH)
Temporary protection order may be available without earlier notice to the defendant. If a temporary order is <u>not</u> granted, the plaintiff can decide to withdraw the complaint or go ahead, with a final hearing to be heard within 21 days.	In most cases, the plaintiff must first ask law enforcement to serve a “cease harassment” notice on the person harassing the plaintiff before filing a PFH complaint.
There are no fees to file a PFA complaint or have law enforcement serve the complaint and temporary order (if any) on the defendant.	There may be fees to file a PFH complaint and have law enforcement serve the complaint and temporary order (if any) on the defendant. There are no fees for complaints that are based on allegations of domestic or dating violence, stalking, sexual assault, sex trafficking, or unlawful dissemination of certain private images.
A business cannot file a PFA complaint.	A business can file a PFH complaint.
The court will hold a hearing on a PFA complaint within 21 days after the complaint is filed.	The court will hold hearing on the PFH complaint at the earliest available date, but it might not be held within 21 days.
An initial final PFA order can last up to two years.	An initial final PFH order can last up to one year.
A temporary or final PFA order can prohibit the defendant from having firearms, ammunition, or other dangerous weapons.	The court generally does not prohibit the defendant from having firearms, ammunition, or other dangerous weapons.

RESOURCES

HELP FOR PEOPLE FILING A PROTECTION ORDER	
<p>If you are a victim of violence, abuse, or harassment and believe you are in immediate danger, call 9-1-1. For help locating emergency services in your area, call 2-1-1.</p>	
SEXUAL ASSAULT/HARASSMENT HELP	DOMESTIC VIOLENCE HELP
<p>Sexual Assault & Harassment Statewide 24/7 Hotline 1-800-871-7741 mecasa.org</p>	<p>Domestic Violence Statewide 24/7 Hotline 1-866-834-HELP mcedv.org</p>

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More Sexual Assault and Domestic Violence Help

Tribal Sexual Assault & Domestic Violence 24/7 Hotline Numbers

Wabanaki Women's Coalition

Micmac Advocacy Center • (207) 551-3639 Maliseet Advocacy Center • (207) 532-6401

Indian Township Passamaquoddy Advocacy Center • (207) 214-1917

Passamaquoddy Peaceful Relations Advocacy Center • 1-877-853-2613

Penobscot Nation Advocacy Center • (207) 631-4886

How can an advocate help me?

An advocate is a trained person who can help a victim of violence, abuse, or harassment to:

- Give you information about protection orders and help you understand what happens in court;
- Help you file court paperwork and find legal help;
- Go with you to your hearing and give you support and information;
- Help you with other services like housing, counseling, support groups, and mental health help;
- Help make sure you are safe; and
- Provide information on how to file for a protection order if you are under 18.

LEGAL HELP

Maine State Bar Association Lawyer Referral Service

1-800-860-1460 or

www.mainebar.org/page/AttorneyRequest

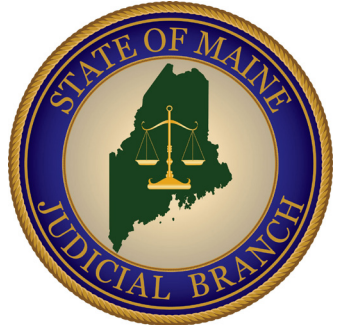
(30-minute consultation with a lawyer for \$25 administrative fee)

Legal Services for the Elderly

1-800-750-5353 or www.mainelse.org

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Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.



A GUIDE TO

Protection from Abuse & Harassment Cases

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COURT FORMS

Electronic copies of the forms below can be found on the Judicial Branch's website www.courts.maine.gov/forms/index.html. Paper forms may be obtained at any district court clerk's office at no charge.

To start a protection from abuse or protection from harassment case, complete either:

- PA-001 Complaint for Protection from Abuse **OR**
- PA-006 Complaint for Protection from Harassment.

Forms used in both protection from abuse and protection from harassment cases:

- PA-017 Important Notice to Plaintiff (warns the plaintiff that it is a crime to make a false statement) (required).
- PA-005 Protection Order Service Information (helps law enforcement locate the defendant to give notice of the case) (required).
- PA-015 Affidavit for Confidential Address/Telephone Number (used if asking for the plaintiff's address/telephone number to be kept confidential) (optional).

ADDITIONAL FORMS

- FM-050 Child Support Affidavit (in a protection from abuse case, if the parties have minor children together and no child support order is in place).
- PA-012 Plaintiff's Pre-Judgment Motion to Dismiss Complaint (only plaintiff can file).
- PA-013 Motion to Extend Order for Protection (only plaintiff can file).
- PA-022 Plaintiff's Post-Judgment Motion to Modify/Motion to Terminate Protection Order (only plaintiff can file).
- PA-010 Defendant's Motion to Dissolve Temporary Order for Protection or to Modify/Amend (with incorporated Affidavit) (only defendant can file).

PROTECTION CASES

The information in the table below is meant to help get you started. Please read the entire guide for more information.

Protection from ABUSE	Protection from HARASSMENT
<p>Regardless of your age, you can file a PFA against your family or household member or your current or former dating partner who has abused you.</p> <hr/> <p>Regardless of your age, you can also file a PFA <u>against anyone</u> who has:</p> <ul style="list-style-type: none"> • stalked you • sexually assaulted you; • who has used or threatened to use intimate private images of you against you; or • has forced you or led you into sex trafficking. <hr/> <p>If you are 60 or older, or a dependent or incapacitated adult, you can file a PFA <u>against any extended family member or unpaid care provider</u> who has abused you. <i>(Please read part A.1 because "abuse" in these situations has a broader definition).</i></p> <hr/> <p>If you are a minor, your parent or other person responsible for you can get a PFA on your behalf <u>against anyone</u> who has</p> <ul style="list-style-type: none"> • sexually exploited you; • shared or intends to share sexually explicit images of you (only if you are 16 years or under); or • harassed you by telephone or by electronic devices. 	<p>Regardless of your age you can file a PFH against anyone if you have been a victim of that person's:</p> <ul style="list-style-type: none"> • Harassment (which means three or more acts of intimidation, confrontation, actual or threatened physical force by the defendant, made with the intention of causing fear, intimidation, or damage to personal property, and that do in fact cause fear, intimidation, or damage to personal property); • A single act or course of conduct constituting a serious criminal act such as: <ul style="list-style-type: none"> • assault, • criminal threatening, • sexual assault, • terrorizing, • kidnapping, • aggravated assault, • arson, • violation of privacy; or • Violation or interference with your constitutional or civil rights. <p><i>(Please note that if you are a minor child, your parent or other person responsible for you will have to file the PFH on your behalf).</i></p>

QUESTIONS ABOUT PROTECTION CASES

Are there fees or costs to file a case?

There are **no fees** to file a *Complaint for Protection from Abuse (PA-001)*.

There may be a fee to file a *Complaint for Protection from Harassment (PA-006)*.

See Part B.6 for more information. The clerk's office will tell you what the filing fee is. You may ask the court to waive the filing fee if you cannot afford to pay it.

What forms or information must I file?

See the list of required and optional forms on the inside front cover of [this guide](#).

Can I get a protection order right away (without notifying the defendant in advance)?

Perhaps, if a judge is available to review your *complaint* and if the judge decides the evidence you have submitted supports a temporary protection order. The clerk will let you know when a judge will be available to review your request for a temporary order.

If a judge determines that your *complaint* does not qualify for a temporary protection order, you may still decide to go forward with a hearing or to withdraw the case (with the option of refile later). If you receive a temporary order or, if you do not receive a temporary order but still decide to go forward, the clerk's office will notify you and the defendant of the hearing date.

When do I and the defendant come back to court for a final hearing?

The court will schedule a hearing in a protection from abuse case within 21 days after the filing of the *abuse complaint*.

The court will schedule a hearing in a protection from harassment case as soon as practicable, but will not always be scheduled within 21 days after the filing of the *harassment complaint*.

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Important Disclaimer

The specific requirements concerning your case are contained in the statutes, rules, and administrative orders. This is only a guide. This guide does not contain legal advice.

INTRODUCTION

This guide explains how to **file** for a temporary and final court **order** for protection from **abuse** or protection from **harassment**.

HOW ARE THE LAWS DIFFERENT?

The protection from abuse and protection from harassment laws differ from one another in several ways. Although both are civil laws and have the same general court process, each law has its own requirements. Part A of this guide explains protection from abuse; Part B explains protection from harassment. Sometimes the laws are referred to collectively as the “protection laws.”

The protection laws can be found in the Maine Revised Statutes as follows:

- Title 19-A, Sections 4001-4014 (protection from abuse);
- Title 5, Sections 4651-4661 (protection from harassment); and
- Title 17 and 17-A (sections of the Maine Criminal Code referenced in Title 19-A and Title 5).

The Maine Revised Statutes are available online at: www.mainelegislature.org/legis/statutes. The statutes contain the specific legal language and requirements that a judge applies when deciding a case under the protection laws.

USING COURT FORMS

The Maine District Court has forms you must use in protection cases. The district court clerk can give you copies of the forms to be completed and can answer general questions. Clerks cannot help you determine which forms to use or tell you what to put in the forms. Clerks and court staff are not allowed to give legal advice.

Most of the forms can also be found online at: www.courts.maine.gov/forms/index.html.

People who do not have access to a computer and printer should go to a district court or call the domestic violence or sexual assault statewide helpline at the numbers listed on the back of this guide.

A list of forms for both protection from abuse and protection from harassment cases can also be found on the inside front cover and following page of this guide.

THIS GUIDE IS FOR INFORMATIONAL PURPOSES ONLY

Going to court, especially if you do not have a lawyer, can be stressful and challenging. This guide was written to help unrepresented parties who are involved in protection from abuse or harassment cases better understand the process. To make the guide more readable, some sections of statutes, rules or administrative orders that apply have been shortened or summarized.

When the guide refers to things a plaintiff or a defendant must or may do, the pronoun “you” may be used. “You” may mean either party in the case depending upon the specific section of the guide.

While we have tried to ensure that the information is accurate and clear, please remember that the language of the statutes and other sources of law is the final word. If there is any conflict between the law and this guide, the law controls.

In addition, the guide describes the general procedures and requirements of the governing laws. The court’s decision in individual cases will take into consideration the specific facts and circumstances of each case.

We have included a simple glossary of key legal terms at the end of the guide. Words in **bold** are defined in this section.

A FINAL WORD ON FILING ANY KIND OF COURT CASE

A protection from abuse or harassment case should be started only when court involvement is necessary to protect a person or property from real harm.

Please note that:

- It is a crime to make a false statement under oath in a court document or hearing.
- If you make a false statement in a court document or at a hearing, you may have to pay the other party’s court expenses and attorney fees.
- A parent’s misuse of the protection process to attempt to gain an advantage in a family matter may be considered by the court when deciding parental rights and responsibilities.

PART A — PROTECTION FROM ABUSE

1. What actions may qualify someone to file for a protection from abuse order?

- Attempting to cause or causing physical injury or offensive contact, including **sexual assault**;
- Attempting to place, or placing, another in fear of bodily injury through threatening, harassing or tormenting behavior;
- Compelling a person by force, threat of force or intimidation to do something or not do something that the person has a right or privilege to do or not do;
- Knowingly restricting substantially the movements of another person without that person’s consent;
- Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life;
- Repeatedly, and without reasonable cause, following the plaintiff or being at or in the vicinity of the plaintiff’s home, school, business, or work;
- **Stalking**;
- Engaging in sexual assault;
- Knowingly, and with the intent to harass, torment or threaten, disseminating a **private, sexually explicit image** of the plaintiff or another person without consent;
- Engaging in **sex trafficking** or **aggravated sex trafficking**;
- Sexually exploiting a **minor**;
- Disseminating or intending to disseminate sexually explicit images of a minor aged 16 years or younger;
- Harassing a minor by telephone or by electronic devices; or
- **Financial exploitation**, or the intentional, knowing, or reckless deprivation of essential needs, if the abuse involves an **incapacitated adult**, **dependent adult**, or individual 60 years of age or older.

If the actions do not meet the requirements for a protection from abuse order as specifically defined in the abuse law, the **plaintiff** may want to explore eligibility for a protection from harassment order. See Part B of this guide for more information on protection from harassment cases.

2. Who can ask a court for a protection from abuse (PFA) order?

- Regardless of your age, you can file a PFA against your family or household member or your current or former **dating partner** who has abused you. *(Please note that if you are a minor child, your parent or other person responsible for you will have to file the PFA on your behalf.)*
- Regardless of your age, you can also file a PFA against anyone who has:
 - stalked you;
 - sexually assaulted you;
 - used or threatened to use intimate private images of you against you; or
 - forced you or led you into sex trafficking.
- If you are 60 or older or a dependent or incapacitated adult, you can file a PFA against any extended family member or unpaid care provider who has abused you. *(Please read part A.1 because “abuse” in these situations has a broader definition).*
- If you are a minor, your parent or other person responsible for you can also get a PFA on your behalf against anyone who has:
 - sexually exploited you;
 - shared or intends to share sexually explicit images of you (only if you are 16 years or younger); or
 - harassed you by telephone or by electronic devices.

3. How is a protection from abuse case started?

Plaintiffs:

1. Fill out a *Complaint for Protection from Abuse (PA-001)* (*abuse complaint*) and other forms that apply (see the list of forms in the front of the guide).
2. Sign the forms in front of a notary, attorney, or court clerk, and give the forms to the district court clerk's office.

You can go to the clerk's office in person to fill out and submit the forms or you can fill out the forms online, print, and then take them to the district court to file. The clerk's office can help you complete the forms but cannot tell you what to put in the forms or give legal advice.

You may also mail the completed forms to the court. However, if you choose to not go to the court in person to file the forms, you will be losing the opportunity to be heard in person before a request for a temporary **relief** is denied.

A protection from abuse order is effective when it is signed by a judge. However, the order must be served on the **defendant** before that person can be charged with a crime for violating the order, unless the defendant has earlier actual notice of a protection order. For more information about service on the defendant, see Part A.10.

4. Which district court should the plaintiff go to?

A plaintiff should go to the district court location where the plaintiff lives, where the defendant lives, or where the plaintiff is currently staying if the plaintiff has moved out of the home for safety reasons.

A list of district courts can be found at the end of this guide in Appendix A and online at www.courts.maine.gov/courts/district/index.html. If someone is unsure as to which court to go to, a list of district court by city or town can be found online at: www.courts.maine.gov/courts/find-by-town.html.

5. Fees

There are no court filing or service fees for plaintiffs in protection from abuse cases.

6. Tips for filling out the abuse complaint

- Fill out the *abuse complaint* form completely. The last section of the *abuse complaint* form asks you to check boxes for the relief you are requesting. Be sure to check any and all boxes that you would like the court to consider.
- Give as much detail as possible. What specifically did the defendant do or say, what injuries or harm did you (or, if you are submitting on behalf of a child plaintiff) suffer, or are in danger of suffering? Statements such as, “the defendant stalked me,” or “the defendant threatened to harm my child” do not give enough information for the court.

- If you do not want the defendant to know where you are staying for safety reasons, fill out and file an *Affidavit for Confidential Address/Telephone Number (PA-015)* form. The defendant will not be able to see your current address or telephone number. The court does, however, need to have your contact information so the clerk's office can contact you about the case.
- Keep the clerk informed of any address changes. The *Notice of Change of Address (CV/CR-199)* form may be used for this purpose.

7. Special situations

Sexually explicit images

If a case involves the defendant releasing a private, sexually explicit image without consent, any images submitted with the *abuse complaint* are automatically placed under seal by the court. This means the images will not be able to be viewed by or released to the public. The defendant and the defendant's attorney will be able to view the images only at the courthouse, and only for the purpose of preparing a response to the *abuse complaint*.

Firearms or dangerous weapons

The court may prohibit the defendant from possessing firearms or other dangerous weapons in a protection case if certain conditions are met. See Part A.9 for detailed information.

8. Process for getting a temporary protection order

The judge may grant a **temporary order** if the judge believes there is good cause to do so. Good cause means there is immediate and present danger of abuse to the plaintiff or a minor child.

If you file an *abuse complaint* in person at the courthouse, the clerk will present the *abuse complaint* to the judge as soon as possible and will give you other information about what will happen next.

You may be asked to wait at the courthouse until a judge can review the *abuse complaint*. Please follow all of the court clerk's instructions.

The judge may discuss the *abuse complaint* with you, including asking additional questions about your *abuse complaint*. If the judge believes the information you have given qualifies for immediate relief, the judge will sign the order.

The temporary protection can include some or all of the relief you have asked for in the *abuse complaint*.

The temporary protection order is effective when it is signed by the judge but the order must be served on the defendant before that person can be charged with a crime for violating the order, unless the defendant has earlier actual notice of the order.

The court will schedule a final hearing within 21 days after the date the case is filed. A final protection from abuse order may last up to two years.

If you withdraw the case before a final hearing, any temporary protection order that was granted will no longer be in effect.

9. Restrictions on the defendant's right to own, receive, or possess firearms, other dangerous weapons, or ammunition

Maine law

Maine law allows the judge to prohibit the defendant from possessing a firearm or other **dangerous weapon** in a temporary or final protection from abuse order. The conditions below must be met before the judge can order this.

In order to prohibit the defendant from possessing dangerous weapons, the judge must find that:

- The abuse involved the use or threatened use of a firearm or dangerous weapon; or
- A heightened risk of immediate abuse concerning the plaintiff or a minor child in the household exists.

A plaintiff asking the court to prohibit the defendant from possessing firearms or other dangerous weapons must give specific, detailed information on the defendant's use, threatened use, or risk of use in the *abuse complaint*.

If the judge prohibits the defendant from possessing firearms or other dangerous weapons, the judge will require the defendant to turn over (or "relinquish") the firearms or weapons to law enforcement or another individual for the duration of the order.

Federal law

Depending upon the specific facts of the case, if a **final order** is entered by the court, federal law may also prohibit the defendant from owning, receiving, or possessing firearms or ammunition.

For this federal prohibition to apply in the case, the following conditions need to apply:

- The **parties** must be current or former spouses, the mutual parents of a minor child, or persons who currently or previously lived with each other;
- The defendant must have had actual notice and an opportunity to participate in a hearing; and
- The final order must state that the defendant is prohibited from threatening, assaulting, molesting, attacking, harassing, stalking, or otherwise abusing the plaintiff and any minor child(ren) residing in the household. This includes a prohibition on the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household.

Persons wondering if any federal prohibition applies in their case should seek legal assistance.

10. Providing information on dangerous weapons

If you know what dangerous weapons the defendant has, be sure to describe them in as much detail as possible. Describe the kind of weapon(s), number of weapons, what the weapons look like, and where they are usually kept.

11. Service on the defendant

If the court grants a temporary protection order, it will arrange for **service** on the defendant. “Service” or “serving” a person means giving notice of the case to the defendant. A law enforcement officer (a sheriff’s deputy, Maine State trooper, or local police officer) will serve the defendant in person (also called service “in-hand.”) To speed up service on the defendant, the plaintiff may ask to personally take copies of the court papers to a law enforcement agency rather than having the court arrange for service.

In addition to the paper copies, electronic copies of the court papers will also be sent to law enforcement. This ensures that if a sheriff’s deputy or specific law enforcement agency cannot immediately locate the defendant for service, all Maine law enforcement officers will know to serve the defendant with the court papers. For example, if the defendant is stopped for a traffic violation, the officer will know to serve the defendant after looking up that person in the State’s electronic system. Please note: if you have chosen to take copies of the court papers to law enforcement for in-hand service on the defendant but then change your mind, the defendant will still be served. This is because the court always sends electronic copies of the court papers to law enforcement as well.

The law enforcement officer serving the defendant will note the date and time the defendant was served. This is called “proof of service.” Proof of service is important because the court will not hold a final hearing if it does not have proof that the defendant got official notice of the case.

You may want to follow up with the local law enforcement agency to find out when the defendant was served. Make a note of this information for the final hearing.

12. What court papers will the defendant receive?

The defendant will receive a *Summons/Protection Order (PA-004)* informing the defendant where and when the final hearing will be held.

The defendant will also receive a copy of your *abuse complaint*, and if issued, the temporary protection order.

13. When does a temporary protection order take effect?

A temporary protection order takes effect as soon as it is signed by a judge. However, the defendant must have actual notice of the temporary order, or have been served with the order, in order to be charged with a crime for violating it.

14. When will the court schedule a final hearing in a protection from abuse case?

Whether or not the judge has granted a temporary protection order (when the plaintiff has asked for one), the case will be scheduled for a final **hearing** within 21 days after the *abuse complaint* is filed unless the plaintiff withdraws the case.

15. Rights and responsibilities of a defendant in a protection from abuse case

Rights of a defendant

Every defendant in a protection from abuse case has the right to:

- Receive a copy of the *abuse complaint* filed in the case;
- Receive notice of the date, time, and place of the final hearing;
- Submit a written response to the plaintiff's *abuse complaint* (not required);
- Attend the final hearing and present evidence on the defendant's behalf, including testifying and calling witnesses;
- Request that the clerk's office issue a **subpoena** for the defendant to serve on a witness the defendant wishes to have appear at the hearing;
- Ask the court to **modify** (change) or **dissolve** (remove) a temporary protection order; and
- Hire an attorney or seek other assistance to respond or prepare a defense. Information on legal resources may be found on the back cover of this guide.

Responsibilities of a defendant

Any defendant in a protection from abuse case against whom a temporary protection order is issued, must obey all parts of the order while it is in effect. Defendants who do not obey the temporary order are subject to arrest and criminal charges.

Only a judge may change the terms of a temporary protection order. The plaintiff cannot change the terms or give the defendant permission to violate its terms. For example, if the temporary order prohibits the defendant from entering a home previously shared with the plaintiff, the defendant will be charged with a crime by going to the house, even if the plaintiff has invited the defendant.

Violation of a temporary protection order is always a Class D crime that carries penalties of up to 364 days in jail and/or a fine of up to \$2,000. Violation of a temporary protection order is also sometimes a Class C crime that carries penalties of up to five years in prison and a \$5,000 fine.

A defendant who wishes to oppose the plaintiff's claim, or present evidence about the case, must attend the final hearing. If the defendant has not been served (given notice of the hearing by the court) by the time of the final hearing, the case will be rescheduled for a later time. The temporary order of protection will remain in effect until that time.

A defendant must keep the clerk's office informed of any address changes by filing the *Notice of Change of Address (CV/CR-199)* form with the court and sending a copy to the plaintiff.

16. Request to modify or dissolve a temporary order

To ask the court to modify or dissolve a temporary order, use the form: *Defendant's Motion to Dissolve Temporary Order for Protection or Motion to Modify/Amend Protection Order (PA-010)*.

There is no fee for submitting form *PA-010*.

When a defendant requests that the court modify or dissolve a temporary protection order, the plaintiff must be given 48 hours advance notice of the hearing unless the judge sets a shorter time.

17. If a temporary order prohibits the defendant from possessing firearms or dangerous weapons

If a temporary order prohibits the defendant from possessing firearms or other dangerous weapons, the defendant must turn over all weapons to a law enforcement officer or other person as specified in the order. The court will give the defendant a court form titled *Information regarding the Relinquishment of Firearms and Weapons (PA-026)* explaining the proper procedures to safely surrender the firearms or dangerous weapons in compliance with the court's order. The defendant should review the information carefully and make sure to follow the outlined procedures when surrendering the firearms or dangerous weapons.

If the order permits the defendant to turn over the weapons to someone other than a law enforcement officer, the defendant must file the *Notice of Relinquishment of Weapons to be Completed by Defendant (PA-025)* to give a statement identifying that person and listing all weapons turned over. The form must be filed within 24 hours after turnover and given to either the court or the local law enforcement agency identified in the court's order. The firearms or other dangerous weapons must be turned over within the time stated in the order.

If a court determines that there is probable cause that the defendant did not surrender all firearms or other dangerous weapons as required by the protection order, then the court may issue a search warrant authorizing law enforcement to seize the weapons at any location. If the plaintiff has concerns that the defendant did not surrender all firearms or other dangerous weapons, the plaintiff can contact law enforcement to discuss whether to ask the court for a search warrant. A plaintiff who has concerns that the defendant did not surrender all firearms or dangerous weapons may also want to contact a domestic violence or sexual assault advocate for more information and safety planning (see last page for advocate contact information).

18. Points to keep in mind before the final hearing

The clerk will schedule a final hearing on a protection from abuse case within 21 days after the filing of the *abuse complaint*.

The defendant must receive official notice of the case (be served) in order for the final hearing to be held. If the defendant has not been served by the date of the final hearing, the court will reschedule the hearing for a later date.

If the defendant has not been served by the date of the final hearing, the plaintiff must still go to court on that date to make sure the case is not dismissed and that any temporary order remains in effect.

Both parties must go to the final hearing. If the plaintiff does not attend the hearing, the judge will likely dismiss the case. If the case is dismissed, any temporary protection order will no longer be in effect.

If the defendant has been served, but does not go to the hearing, the judge will likely sign a final protection from abuse order.

19. Requesting a postponement of the hearing

If the plaintiff or the defendant has an emergency and cannot attend the hearing on the date scheduled, that party must inform the court as soon as possible and request a **continuance** (postponement) in writing. The judge will decide whether to grant the request for a continuance. The other party must receive a copy of the written request filed with the court and have the opportunity to respond to such a request.

20. What to expect at court

Courts will often schedule multiple protection from abuse or harassment cases on the same day. All parties will go through security to enter the courthouse. Plaintiffs and defendants cannot have contact in the courthouse, except to try to reach an agreement in the case through an attorney or advocate. In many courts, domestic violence and sexual assault advocates will be available to help plaintiffs. The parties will have an opportunity to reach an agreement in their case, but if the parties cannot agree, the court will generally hold a hearing that same day. For this reason, the parties should come to court prepared to present evidence, testify, and if necessary, call witnesses at the hearing.

21. Order by consent (without a hearing)

Before the final hearing begins, the judge may ask the parties if they are willing to consider agreeing to a protection order instead of having a full contested hearing.

Consent orders are often worked out after the judge speaks with the parties in court, or through go-betweens such as domestic violence advocates, sexual assault advocates, or attorneys. If there is a temporary protection order prohibiting contact between the defendant and the plaintiff, there should be no direct discussion or contact between the parties without the judge present.

Consent orders can include the same protections and have the same legal effect that an order issued after a hearing would have. The defendant is subject to arrest and prosecution for violating a consent order the same as a defendant would be for violating an order issued after a contested hearing.

However, a consent order is issued without a finding by the judge that the defendant committed abuse or actions that the plaintiff described in the *abuse complaint*.

22. What happens in the final hearing?

If the parties are not able to reach an agreement and need to have a hearing, the judge will generally hold the hearing that same day. The final hearing will be public and will be held before a judge.

Presenting the case

Both the plaintiff and the defendant must be ready to present evidence, testify, and if necessary, call witnesses at the hearing.

Like any other civil court case, the plaintiff goes first and has the burden to prove the **allegations** in the *abuse complaint*.

The defendant will have an opportunity to present a defense after the plaintiff.

The plaintiff will have asked the court to grant specific kinds of relief in the *abuse complaint*. The defendant should be prepared to explain why the relief the plaintiff has requested should not be granted, or suggest alternative arrangements.

In addition to the parties, individuals with personal knowledge of what happened may testify. If the case has been brought on behalf of a child under age 18, the child may need to testify unless the plaintiff or another witness has personal knowledge of what happened and can testify instead.

Like other civil court cases, the final hearing is subject to the Maine Rules of Civil Procedure and the Maine Rules of Evidence, which limits the kind of information the judge may consider. The court will rule on any objections.

Self-represented parties are held to the same standard as parties with attorneys. A party will not receive special consideration from the court simply because that party does not have an attorney.

Who may attend the hearing?

Parties may be accompanied by friends and family members, and assisted by advocates or attorneys at the hearing. Support people may not testify if they do not have direct personal knowledge of the events described in the *abuse complaint*.

If the parties are the parents of minor children

If the plaintiff and the defendant are the parents of minor children, each party must bring a completed *Child Support Affidavit (FM-050)* to the final hearing unless a child support order is already in place. The judge may ask questions about the parties' incomes. If an order is granted, the judge may direct payment of child support if there is not already a child support order in place.

23. What relief may be included in a protection from abuse order?

An order for protection from abuse may include one or more of the following:

1. The defendant shall not hurt, threaten or interfere with the plaintiff and any children in the plaintiff's home;
2. The defendant shall not have any **direct** or **indirect contact** with the plaintiff;
3. The defendant shall stay away from the plaintiff's home, school, business or work;
4. The defendant shall not stalk or follow the plaintiff;
5. The defendant shall not possess firearms or other dangerous weapons;
6. The defendant shall not take, sell, damage or destroy any property that belongs to the plaintiff in whole or in part;
7. The defendant shall not injure or threaten to injure any animal owned or kept by either party;
8. The defendant shall not disseminate any private, sexually explicit images of the plaintiff; and
9. The defendant shall not destroy, transfer or tamper with the plaintiff's passport or other immigration document in the defendant's possession.

An order may:

1. Grant temporary possession of the home to the plaintiff or the defendant;
2. Grant a division of personal property;
3. Direct the care, custody, or control of any animal owned or kept by either party or a minor child residing in the household;
4. Require the defendant to pay for the plaintiff's temporary support, loss of earnings, property damage, or moving expenses;
5. Require termination of any life insurance policy owned by the defendant insuring the plaintiff, with a copy of the order to be sent to the insurance company;

6. Require the defendant to get counseling or attend a certified batterers' intervention program;
7. Require the defendant to remove, destroy, or return to the plaintiff any private, sexually explicit images, or pay the costs associated with the removal, destruction, or return of the images; and
8. Pay damages related to the return or restoration of the plaintiff's passport or other immigration document, and any debts of the plaintiff arising from the sex trafficking relationship.

If the plaintiff and the defendant have children together, an order may also include one or more of the following:

1. Grant temporary parental rights (primary residence and visitation);
2. Order payment of child support, including an immediate payroll withholding to collect support; and
3. Order the filing of child support affidavits if not already done.

The judge can order the defendant to pay court costs and/or reasonable attorney's fees.

The judge can, in the alternative, order the plaintiff to pay court costs and/or reasonable attorney's fees, but only if the plaintiff loses the case and the court decides the *abuse complaint* was **frivolous**.

An order can specify any other relief that is necessary and appropriate.

Depending upon the specific **findings of fact** in the final order, the defendant may also be prohibited from owning, receiving, or possessing firearms or ammunition under federal law, even if the defendant was not prohibited from possessing firearms or dangerous weapons under Maine law. See Part A.9.

24. How long may a final protection from abuse order last?

An initial final protection from abuse order can last up to two years. A shorter period may be ordered or agreed to by the parties. If the judge extends an initial final protection from abuse order at the plaintiff's request, then the judge can extend the order for however long the court finds further protection of the plaintiff is necessary.

25. What if the defendant violates the order?

The plaintiff should call a law enforcement agency and explain that the defendant has violated a protection from abuse order (temporary or final).

Call 911 if anyone is in immediate danger.

Depending upon the specific terms of the order, the defendant's violation of the order may be a Class D or Class C crime and may result in the defendant's arrest or payment of fine.

A law enforcement officer does not need to witness the violation in order to arrest the defendant.

26. If a final order prohibits the defendant from possessing firearms or dangerous weapons

A final order can prohibit the defendant from possessing firearms or other dangerous weapons and require the defendant to turn over to law enforcement or a designated individual any such weapons. If the court had already issued a temporary order prohibiting possession of firearms or dangerous weapons, the defendant may have already turned over all weapons as required by the court order. But if this is not the case and the defendant still has firearms or dangerous weapons, the defendant must turn over all firearms or dangerous weapons to a law enforcement officer or other person as specified in the order.

Please read section A.17 for more information on the procedures the defendant must follow to turn over the firearms or dangerous weapons and what can happen if the defendant does not obey the order.

27. Changing or ending a final protection order

Only a judge can modify (change), **terminate** (end), or extend a protection order, even if the parties have changed their minds about the terms, or reached an agreement. Until a judge has done so, the original order remains in effect. Any violation may put the defendant at risk of arrest or prosecution.

To modify a final order before it ends, the party requesting a modification must file *Post-Judgment Motion to Modify/Motion to Terminate Protection Order (PA-022)* with the district court clerk, and send a copy to the other party.

The clerk will give a date and time for a hearing and will arrange for service by mail or by law enforcement.

The same general process applies to a motion to modify a protection order as the process described earlier in this guide.

28. If the plaintiff wants the protection order extended

An initial order of protection from abuse may last up to two years. If the plaintiff wants the order to be extended, the plaintiff must file a written request with the district court clerk. Use the *Motion to Extend Order for Protection (PA-013)* form.

The plaintiff should file the request to extend the protection order 30 days before the expiration date of the order to prevent a gap in protection. If the plaintiff does not file a request to extend the protection order, the original order remains in effect only until the expiration date. If the plaintiff does not file a *Motion to Extend Order for Protection* by the expiration date and still wants protection, the plaintiff will need to file a new *complaint* with new allegations of abuse.

The same general process applies to a motion to extend a protection order as the process described in Part A.10-A.16. The defendant has the right to respond by going to the hearing on the motion to extend the order, and/or by filing a *Post-Judgment Motion to Modify/Motion to Terminate Protection Order (PA-022)*.

29. Protection from abuse order issued by a court in another state

If you received a temporary or final protection from abuse order from a court in another state, you may file, or “register” the order with the District Court in Maine. You are not required to register an order from another state in order for it to be enforced in Maine, but it may help law enforcement officers in enforcing it. An order from another state is sometimes called a “foreign judgment.”

To register an order, provide an **authenticated copy** of the temporary or final order from the other state to the clerk's office in one of the District Court in the county where you live. Keep a copy of the order for your records.

The defendant will have received notice of the temporary or final order from the court in the other state, and will not be notified that you have registered the order.

30. Appealing a final protection from abuse order

If either party disagrees with the final protection from abuse order, that party may file an appeal with the Maine Supreme Judicial Court. The Maine Supreme Judicial Court is also called the Law Court when it hears appeals.

To start an appeal, the appealing party must file the following forms in the district court that issued the final protection order within 21 days after the order was entered:

- *Notice of Appeal (CV-CR-162)*; and
- *Transcript and Audio Order Form (CV-CR-165)*

There is a fee for filing appeals with the Law Court except for plaintiffs who have been granted a final protection from abuse order or a protection from harassment order with a finding of domestic violence, stalking, sexual assault, sex trafficking, or unauthorized dissemination of certain private images. However, that fee may be waived if you are unable to pay. After filing the forms above, and paying the filing fee, a party must carefully follow the steps in the Maine Rules of Appellate Procedure. Completing an appeal to the Law Court can be complicated. It is recommended that you talk to a lawyer before going forward with an appeal.

PART B — PROTECTION FROM HARASSMENT

1. What is harassment?

- Three or more acts of intimidation, confrontation, actual or threatened physical force by the defendant, made with the intention of causing fear, intimidation, or damage to personal property, and which do in fact cause fear, intimidation, or damage to personal property; or
- A single act or course of conduct constituting a **serious criminal act**, such as sexual assault, terrorizing, kidnapping, aggravated assault, arson, or violation of privacy; or
- Violating or interfering with the plaintiff's constitutional or civil rights.

2. Who can ask a court for a protection from harassment case?

- Any person, including those listed in Part A.2; and
- A business.

3. Who can be a defendant in a protection from harassment case?

- Any **individual** can be a defendant in a protection from harassment case. No special relationship between the plaintiff and the defendant is required.
- Please review *Protection Cases* on page i to understand when to file a protection from harassment case instead of a protection from abuse case.

4. How do you start a protection from harassment case?

Getting a "cease harassment" notice from law enforcement

In most cases, the plaintiff must show that law enforcement has already issued a notice to the defendant to stop the harassment (sometimes called a “cease-harassment notice”) before starting a protection from harassment case.

In some situations, simply reporting the situation to law enforcement will stop the harassment.

To have law enforcement issue a cease-harassment notice, go to your local police department, Maine State police barracks, or sheriff’s office and report the harassment and ask for the notice to be served. If the cease-harassment notice does not stop the harassment, you must get a copy of the cease-harassment notice and submit it with your *Complaint for Protection from Harassment (PA-006) (harassment complaint)*.

You are not required to file a copy of a cease-harassment notice if the *harassment complaint* is based on an allegation of domestic violence, violence against a dating partner, sexual assault, stalking, or harassment, or another serious criminal act.

You can also ask the court to waive the cease-harassment notice if you have a good reason for requesting a waiver of notice.

5. Which district court should the plaintiff go to?

You can go to the district court location where you live, where the defendant lives, or where your business is located.

A list of district courts can be found at the end of this guide in Appendix A and online at: www.courts.maine.gov/courts/district/index.html. If someone is unsure as to which court to go to, a list of district courts by city or town can be found online at: www.courts.maine.gov/courts/find-by-town.html.

6. Fees

There is a fee for filing a *harassment complaint* unless the *harassment complaint* is based on an allegation of domestic violence, stalking, sexual assault, sex trafficking, or unauthorized dissemination of certain private images. The clerk will give you information on what the current fees are. In addition, a schedule of fees can be found in Administrative Order JB-05-26, available online at: www.courts.maine.gov/adminorders/index.html.

If you cannot afford the fees, you may request a waiver from the judge. The clerk will give you an affidavit for you to file to request a waiver.

7. Tips for filling out the harassment complaint

See Part A.6.

8. Can a plaintiff get a temporary protection from harassment order?

Yes. The plaintiff must show that he or she is in immediate danger of physical abuse or extreme **emotional distress**. If the plaintiff is a business, the plaintiff must show that the business is in immediate danger of suffering substantial damage as a result of the defendant’s actions.

A temporary protection from harassment order may prohibit the defendant from some or all of the following:

1. Threatening, assaulting, interfering with, harassing, restraining, or otherwise disturbing the peace of the plaintiff or the plaintiff’s employees;
2. Entering the plaintiff’s residence or property;
3. Taking, selling or damaging property owned or partly owned by the plaintiff;
4. Repeatedly, and without reasonable cause, following the plaintiff; being at or near the plaintiff’s home, school, business or work;
5. Having any direct or indirect contact with the plaintiff; or

6. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

See Part A.8 for additional information on the process for getting a temporary protection order.

9. When will a final hearing be held in a protection from harassment case?

A final hearing in a protection from harassment case will be scheduled at the earliest available date, but unlike a protection from abuse case, does not have to be scheduled within 21 days after the *harassment complaint* is filed.

10. Service on the defendant

The *summons*, *harassment complaint*, and additional forms that were submitted to the court must be served on the defendant before a hearing can be held.

If the court grants a temporary protection order, it will generally arrange for service on the defendant. To speed up service on the defendant, the plaintiff may ask to personally take copies of the court papers to the law enforcement agency rather than having the court arrange for service.

There is no fee for service if:

- The *harassment complaint* involves an allegation of domestic violence, stalking, sexual assault, sex trafficking, or unauthorized dissemination of certain private images; or
- The court grants a temporary protection from harassment order, regardless of the grounds.

As with a protection from abuse case, a final hearing will not be held until the defendant has received official notice of the case (been served).

See additional information on service in Part A.11.

11. Rights and responsibilities of a defendant in a protection from harassment case

A defendant in a protection from harassment case has the same rights and responsibilities as a defendant in a protection from abuse case. See Part A.15.

12. Scheduling a final hearing in a protection from harassment case

The clerk will schedule a final hearing on a protection from harassment case after the judge has signed a temporary order for protection.

If the judge has decided not to issue a temporary order, but the plaintiff still wishes to proceed, a final hearing will still be scheduled.

The defendant must have received notice (been served) before the final hearing date. A final hearing will be scheduled at the earliest possible date. See Part A.14 and A.16 for other information related to a final hearing.

13. What to expect at court

See Part A.20 for information on what to expect at court.

14. Orders by consent (without a hearing)

The court may work out an order by consent in a protection from harassment case the same way as in a protection from abuse case. See Part A.21.

15. What happens in a final hearing?

If a final hearing is held, the same process applies as in a protection from abuse case. See Part A.22.

16. What relief can be included in a final protection from harassment order?

A final protection from harassment order may prohibit the defendant from some or all of the following:

1. Harassing, threatening, assaulting, interfering with, attacking or otherwise abusing the plaintiff or the plaintiff's employees;
2. Entering the plaintiff's property or residence;
3. Interfering with or destroying the plaintiff's property;
4. Repeatedly and without reasonable cause: following the plaintiff; being at or near the plaintiff's home, school, business or work;
5. Having any direct or indirect contact with the plaintiff; and

6. Destroying, transferring or tampering with the plaintiff's passport or other immigration documents in the defendant's possession.

A final order may also require the defendant to pay money to the plaintiff for losses suffered as a direct result of the harassment. Losses are limited the following:

1. Loss of earnings or support;
2. Reasonable expenses incurred for safety protection;
3. Reasonable expenses incurred for personal injuries or property damage;
4. Reasonable moving expenses; and
5. Damages related to the return or restoration of the plaintiff's passport or other immigration documents and any debts of the plaintiff arising from the sex trafficking relationship.

The judge can order the defendant to pay court costs and/or reasonable attorney's fees.

The judge can in the alternative order the plaintiff to pay court costs and/or reasonable attorney's fees, but only if the plaintiff loses the case and the court decides the *harassment complaint* was frivolous.

An order can specify any other relief that is necessary and appropriate.

17. How long may a protection from harassment order last? Can it be modified?

An initial final protection from harassment order can last up to one year. The judge may order a shorter period, or the parties may agree to a shorter order. If the judge extends an initial final protection from harassment order at the plaintiff's request, then the judge can extend the order for more than one year.

The same general process applies to modifying or extending a protection from harassment order as to a protection from abuse order. Both the plaintiff and the defendant may ask that the court modify a protection from harassment order.

Only the plaintiff can ask that the court extend a protection from harassment order. See part A.28.

18. What if the defendant violates the protection from harassment order?

If the defendant violates the protection from harassment order, the defendant may be charged with a Class D crime and may be subject to arrest, fine, or contempt of court (if the defendant fails to pay money damages ordered by the court). See Part A.25 for additional information on what to do if a defendant violates a protection from harassment order.

19. Protection from harassment orders issued by another state

A protection from harassment order issued by another state is treated the same as an order issued by a Maine court. See part A.29 of this guide for the rights and responsibilities that apply to the plaintiff and the defendant.

20. Appealing a final protection from harassment order

The same process applies as in a protection from abuse case. See Part A.30.

DEFINITION OF KEY TERMS

Abuse:

- Attempting to cause or causing physical injury or offensive contact, including sexual assault;
- attempting to place, or placing, another in fear of bodily injury through threatening, harassing or tormenting behavior;
- compelling a person by force, threat of force or intimidation to do something that the person has a right or privilege to abstain from doing;
- knowingly restricting substantially the movements of another person without that person's consent;
- communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life;
- repeatedly, and without reasonable cause, following the plaintiff or being at or in the vicinity of the plaintiff's home, school, business, or work;
- knowingly, and with the intent to harass, torment or threaten, disseminating a private, sexually explicit image of the plaintiff or another person without consent; or
- engaging in sex trafficking or aggravated sex trafficking.

Adult: An individual who is 18 years of age or older, or an emancipated minor.

Affidavit: A written statement made voluntarily, and signed under oath.

Aggravated sex trafficking: Compelling an individual to enter into, engage in, or remain in prostitution through force, threat of force, coercion, or fraud; promoting prostitution of an individual under the age of 18; or promoting prostitution of an individual who suffers from a mental disability, as further defined in Title 17-A of the Maine Revised Statutes, Section 852.

Allegation(s): Statements or claims made in a complaint and other court documents, not yet proven.

Authenticated copy: A copy of an order or other court document with: 1) the clerk's seal or signature attesting that the document is a true copy; 2) a judge's attestation that the clerk is the clerk of said court and the proper person to make

out and certify said document; and 3) the clerk's further attestation that the judge signing is duly qualified and commissioned, and the proper person to make out and certify the document in question.

Continuance: Postponement of a hearing at the written request of one or both parties. Only a judge can grant a continuance.

Dangerous weapon: Firearm or other device, instrument, material, or substance, whether animate or inanimate, used as a weapon and capable of causing death or serious physical injury.

Dating partners: Individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Defendant: The individual against whom a case is filed.

Dependent adult: An adult who has a physical or mental condition that substantially impairs the adult's ability to adequately care for the adult's daily needs.

Direct contact: Any time the defendant is in physical proximity to the plaintiff, or any attempt to contact the plaintiff through other means, including telephone, letter, email, texting, or messages from the defendant posted on the plaintiff's social media accounts.

Dissolve: To end a temporary protection order. The court sometimes uses the term "terminate" to mean the same thing.

Emotional distress: Mental or emotional suffering shown by fear, anxiety, torment, or apprehension.

Extended family member(s): Any family members related by blood, marriage, or adoption, whether or not the person resides or has ever resided with the victim.

Family or household member(s):

- A spouse or ex-spouse;
- domestic partner or ex-domestic partner;
- individuals who are, or were, living together;
- parents of the same child;
- adult household members related by blood or marriage;

- minor children of a household member when the defendant is an adult household member; or
- current or former dating or intimate partners.

File: To file is to fill out and submit forms or documents (a filing) to begin a case, or ask a court to do something in a case.

Final order: In a case under the protection laws, an order that a judge grants at the final hearing. See also Order and Temporary order.

Financial exploitation: The use of deception, intimidation, undue influence, force or other unlawful means to obtain control over the property of a dependent adult for another's profit or advantage.

Finding of fact: A determination by a judge of a factual question or issue.

Frivolous: If a judge finds that the allegations in the complaint or other documents lack any basis in fact and were intended to harass, embarrass, or delay, the judge will determine that the complaint was frivolous and may require the plaintiff to pay costs and fees.

Harassment: Under the protection laws, three (3) or more acts of intimidation, confrontation, actual or threatened physical force by the defendant, made with the intention of causing fear, intimidation or damage to personal property, and that do in fact cause fear, intimidation or damage to personal property; or a single act or course of conduct constituting a serious criminal act; or violating or interfering with the plaintiff's constitutional or civil rights.

Hearing: A court proceeding before a judge. In Maine, people sometimes use the term "trial" to mean the same thing

Incapacitated adult: An adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning themselves, or to the extent that the adult cannot effectively manage the adult's property.

Indirect contact: Any effort by the defendant to contact the plaintiff through other people, including having others give the plaintiff letters or images, or forward to the plaintiff emails, texts, or social media messages.

Individual: A natural person; a human being as distinguished from a business or entity.

Minor child: An individual under the age of 18.

Modify: To make changes to the terms of an order in response to the request of a party, if permitted.

Motion: A written request by a party to a court.

Order: A direction by a judge to one or both parties to do or not do something. In a case under the protection laws, a judge may issue a temporary protection order, a final protection order (after a final hearing), or an order by consent (agreed to by both the plaintiff and the defendant).

Parentage: The legal relationship between a child and a parent; the legal status of being a parent.

Parties: Collectively, the plaintiff and the defendant in a court case. The singular term, party, can refer to either the plaintiff or the defendant.

Plaintiff: The individual filing a case.

Private, sexually explicit image(s): In cases under the protection laws, a photograph, videotape, film, or digital recording of the plaintiff or another person in a state of nudity or engaged in a sexual act or simulated sexual act, which the defendant has distributed without the plaintiff's consent and with intent to harass, torment or threaten.

Relief: The specific protection asked for by a party or ordered by a judge.

Serious criminal act: In cases under the protection from harassment law, an alleged violation by the defendant of any of the following sections of Title 17-A of the Maine Revised Statutes: 201 (murder); 202 (felony murder); 203 (manslaughter); 204 (aiding and abetting suicide); 207 (assault); 208 (aggravated assault); 209 (criminal threatening); 210 (terrorizing); 210-A (stalking); 211 (reckless endangerment); 253 (gross sexual assault); 301 (kidnapping); 302 (criminal restraint); 303 (criminal restraint by parent); 506-A (harassment); 511 (violation of privacy); 511-A (dissemination of private, sexually explicit images); 556 (incest); 802 (arson); 805 (aggravated criminal mischief); 806 (criminal mischief); 852 (aggravated sex trafficking); and 853 (sex trafficking).

NOTES

Service: The process of giving a party official notice of a case or request by the other party so that the person receiving the notice and legal papers may respond.

Sex trafficking: Action or behavior by the defendant that promotes an adult to enter into, engage in, or remain in prostitution as further defined in Title 17-A of the Maine Revised Statutes, Section 853.

Sexual assault: In cases under the protection laws, any sexual assault in Title 17-A of the Maine Revised Statutes, sections 251-261, including gross sexual assault or unlawful sexual contact.

Stalking: Two or more acts by the defendant directed at or concerning a specific person that would cause a reasonable person

- to suffer serious inconvenience or emotional distress;
- to fear bodily injury or to fear bodily injury to a close relation; to fear death or to fear the death of a close relation;
- to fear damage or destruction to or tampering with property; or
- to fear injury to or the death of an animal owned by or in the possession and control of that specific person.

Subpoena: An order by a judge directing an individual to appear in court on a specified date and time.

Summons: An order by a judge directing the defendant to appear in court on a specified date and time.

Temporary order: In a case under the protection laws, an order that a judge grants after the plaintiff files the *complaint* but before the final hearing is held. A temporary order does not take effect until the defendant receives a copy of it (is served). See also Order and Final order.

Terminate: To end a final protection order.

Unpaid care provider: An individual who voluntarily provides full or occasional personal care to an adult in the adult's home, similar to the way a family member would provide personal care.

APPENDIX A — DISTRICT COURTS

If you are not sure which District Court is the correct court for your case, go to: www.courts.maine.gov/courts/find-by-town.html. TTY number for all District Courts is 711 Maine Relay.

AUGUSTA

1 Court Street, Suite 101
Augusta, ME 04330
(207) 213-2800

BANGOR

78 Exchange Street
Bangor, ME 04401
(207) 561-2300

BELFAST

11 Market Street
Belfast, ME 04915
(207) 338-1940

BIDDEFORD

25 Adams Street
Biddeford, ME 04005
(207) 283-1147

BRIDGTON

3 Chase Street, Suite 2
Bridgton, ME 04009
(207) 647-3535

CALAIS

382 South Street, Suite B
Calais, ME 04619
(207) 454-2055

CARIBOU

144 Sweden Street, Suite 104
Caribou, ME 04736
(207) 493-3144

DOVER-FOXCROFT

159 East Main Street, Suite 21
Dover-Foxcroft, ME 04426
(207) 564-2240

ELLSWORTH

50 State Street, Suite 2
Ellsworth, ME 04605
(207) 667-7141

FARMINGTON

129 Main Street, Suite 1
Farmington, ME 04938
(207) 778-8200

FORT KENT

139 Market Street, Suite 101
Fort Kent, ME 04743
(207) 834-5003

HOULTON

26 Court Street, Suite 201
Houlton, ME 04730
(207) 532-2147

LEWISTON

Physical: 71 Lisbon Street
Lewiston, ME 04240
Mailing: P.O. Box 1345
Lewiston, ME 04243-1345
(207) 795-4801

LINCOLN

52 Main Street
Lincoln, ME 04457
(207) 794-8512

MACHIAS

Physical: 85 Court Street
Machias, ME 04654
Mailing: P.O. Box 526
Machias, ME 04654-0526
(207) 255-3044

MADAWASKA

Physical: 645 Main Street
Madawaska, ME 04756
Mailing: 139 Market Street, Suite 101
Fort Kent, ME 04743
(207) 728-4700

MILLINOCKET

Physical: 207 Penobscot Avenue,
Millinocket, ME 04462
Mailing: 52 Main Street
Lincoln, ME 04457
(207) 723-4786

NEWPORT

12 Water Street
Newport, ME 04953
(207) 368-5778

PORTLAND

205 Newbury Street
Portland, ME 04101
(207) 822-4200

PRESQUE ISLE

27 Riverside Drive
Presque Isle, ME 04769
(207) 764-2055

ROCKLAND

62 Union Street
Rockland, ME 04841
(207) 596-2240

RUMFORD

145 Congress Street
Rumford, ME 04276
(207) 364-7171

SKOWHEGAN

47 Court Street
Skowhegan, ME 04976
(207) 474-9518

SOUTH PARIS

26 Western Avenue
South Paris, ME 04281
(207) 743-8942

SPRINGVALE

447 Main Street
Springvale, ME 04083
(207) 459-1400

WATERVILLE

18 Colby Street
Waterville, ME 04901
(207) 873-2103

WEST BATH

101 New Meadows Road
West Bath, ME 04530
(207) 442-0200

WISCASSET

Physical: 32 High Street
Wiscasset, ME 04578
Mailing: P.O. Box 249
Wiscasset, ME 04578-0249
(207) 882-6363

YORK

11 Chases Pond Road
York, ME 03909
(207) 363-1230

APPENDIX B — SHERIFF'S OFFICES & MAINE STATE POLICE LOCATIONS

The Sheriffs' Directory page on the Judicial Branch website has links to all Sheriff Office websites. See: www.courts.maine.gov/help/small-claims/sheriffs.html.

SHERIFF'S OFFICES

ANDROSCOGGIN

2 Turner Street
Auburn, ME 04210
(207) 753-2500

AROOSTOOK

25 School Street, Suite 216
Houlton, ME 04730
(207) 532-3471

CUMBERLAND

36 County Way
Portland, ME 04102
(207) 774-1444

FRANKLIN

123 County Way
Farmington, ME 04938
(207) 778-2680

HANCOCK

50 State Street, Suite 10
Ellsworth, ME 04605
(207) 667-7575

KENNEBEC

125 State Street,
Augusta, ME 04330
(207) 623-3614

KNOX

301 Park Street
Rockland, ME 04841
(207) 594-0429

LINCOLN

42 Bath Road, P.O. Box 611
Wiscasset, ME 04578
(207) 882-6576

OXFORD

26 Western Avenue, P.O. Box 179
South Paris, ME 04281
(207) 743-9554

PENOBSCOT

85 Hammond Street
Bangor, ME 04401
(207) 947-4585

PISCATAQUIS

52 Court Street
Dover-Foxcroft, ME 04426
(207) 564-3304

SAGADAHOC

752 High Street, P.O. Box 246
Bath, ME 04530
(207) 443-8528

SOMERSET

131 E. Madison Road
Madison, ME 04950
(207) 474-9591

WALDO

45 Congress Street,
Belfast, ME 04915
(207) 338-6786

WASHINGTON

83 Court Street, Machias, ME 04654
(207) 255-4422

YORK

1 Layman Way, Alfred, ME 04002
(207) 324-1113

MAINE STATE POLICE LOCATIONS

TROOP A (towns of Alfred, Dayton, Hollis, Lebanon, and Lyman)

502 Waterboro Road, Alfred, ME 04002
(207) 459-1300

TROOP B (Androscoggin, Cumberland, and Oxford Counties)

1 Game Farm Road, Gray, ME 04039
(207) 624-7076

TROOP C (Kennebec, Somerset, and Franklin Counties)

162 West Front Street, Skowhegan, ME 04976
(207) 474-3350

TROOP D (Sagadahoc, Lincoln, Waldo, and Knox Counties, the southern half of Kennebec County and part of northern Cumberland County)

36 Hospital Street, Augusta, ME 04333
(207) 624-7076

TROOP E (southern part of Penobscot and Piscataquis Counties)

198 Main Avenue, Bangor, ME 04401
(207) 973-3700

TROOP F (Aroostook County and the northern parts of Penobscot, Piscataquis, and Somerset Counties)

1 Darcie Drive, Suite 202, Houlton, ME 04730
(207) 532-5400

TROOP J (Hancock and Washington Counties)

180 Bangor Road, Ellsworth, ME 04605
(207) 667-3722

APPENDIX C — GENERAL INFORMATION

DISABILITY ACCOMMODATION



The Maine Judicial Branch makes every reasonable effort to provide accommodations and auxiliary aids and services to people with disabilities at no cost to them so that they may access the court and its services. You may talk to your lawyer about arranging for accommodations, or contact the Court Access Coordinator at 207-822-0718, TTY: Maine Relay 711, or accessibility@courts.maine.gov with requests. You may also contact the clerk's office in the court where your case is being heard. A link to the Disability Accommodation Request Form on the Judicial Branch website may be found at: www.courts.maine.gov/ada/accommodation.html.

LANGUAGE ACCESS



The Maine Judicial Branch provides interpreters to people who have Limited English Proficiency (LEP) or who are deaf or hard of hearing at no cost to them so that they may access the court and its services. The Judicial Branch must also provide an ASL interpreter to court observers who are deaf or hard of hearing upon request. Please talk to your lawyer about arranging for an interpreter, or contact the Communications Access Specialist directly at 207-822-0703, TTY: Maine Relay 711, or interpreters@courts.maine.gov with requests. You may also contact the clerk's office where your case is being heard. More information on interpreter assistance can be found on the Judicial Branch website at: www.courts.maine.gov/programs/lep/index.html.

INFORMATIONAL PURPOSES ONLY

This guide is to help parties in protection from abuse and protection from harassment cases better understand how a case is started and what happens in the case. To make the guide more readable, the court process and laws involved have been summarized.

Do not rely on the information in this guide as a complete description of all the laws that may come into play in a protection case. If you have questions about the law or court process, please ask your lawyer or seek legal assistance.

MORE FAMILY MATTERS PUBLICATIONS FROM THE MAINE JUDICIAL BRANCH

The Maine Judicial Branch provides many publications that contain helpful information about the court process and available resources.

A Guide for Families in Child Protection Cases

This guide explains the court process and what to expect when you go to court for a child protection case.

Scheduling Planner for Families in Child Protection Cases

This resource includes a calendar to help keep track of dates and important information in a child protection case. The scheduling planner also includes information about the court process for a child protection case.

A Guide to Family Separation in Maine: Divorce & Parental Rights & Responsibilities Cases

This guide explains how to start a divorce and parental rights & responsibilities case and what to expect in court. The guide also includes information about how to change or enforce an existing court order.

A Guide for Families in Juvenile Cases

This guide is for parents, guardians, and juveniles to learn more about the juvenile court process and possible outcomes of juvenile cases. The guide also includes important information for parents and guardians, frequently asked questions, and explains how juvenile court records are stored.

Copies of these guides can be found on the Maine Judicial Branch website at www.courts.maine.gov/help/guides

If you are a victim of violence, abuse, or harassment and believe you are in immediate danger, call 9-1-1.

For help locating emergency services in your area, call 2-1-1.

Maine State Bar Association Lawyer Referral Service

1-800-860-1460 www.mainebar.org/page/AttorneyRequest
(\$25 administrative fee to help individuals find a private lawyer;
includes a 30-minute consultation.)

Maine Coalition to End Domestic Violence

1-866-83-4HELP www.mcedv.org

Maine Coalition Against Sexual Assault

1-800-871-7741 www.mecasa.org

Immigrant Resource Center of Maine

207-753-0061 www.ircofmaine.org

Legal Services for the Elderly

1-800-750-5353 www.mainelse.org

Wabanaki Women's Coalition

1-844-7NATIVE www.wabanakiwomenscoalition.org

Advocacy Centers:

Micmac 207-551-3639

Maliseet 207-532-6401

Indian Township Passamaquoddy 207-214-1917

Passamaquoddy Peaceful Relations 1-877-853-2613

Penobscot Nation 207-631-4886

See also Pine Tree Legal Assistance webpage on Protection from Abuse
ptla.org/protection-abuse-maine-first-steps-frequently-asked-questions

Maine Judicial Branch

Administrative Office of the Courts

1 Court Street, Suite 301, Augusta, Maine 04330

www.courts.maine.gov