



## ALL IN THE FAMILY

Legal blog on all aspects of Family Law and Divorce in Massachusetts and Rhode Island

### Massachusetts Expands Eligibility to Obtain a Restraining Order Beyond Physical Abuse

BY BOWDITCH & DEWEY • NOVEMBER 7, 2024

Has your partner or a family member ever:

- Isolated you from family or friends?
- Controlled your access to food, medicine, money, transportation, or another basic need?
- Forbidden you from attending school or going to your job?
- Threatened to share intimate photographs of you on social media or with your employer?

If you answered “yes” to any of these questions, you may now be able to get a restraining order against the person responsible. Historically, you could not obtain a restraining order in Massachusetts without suffering from physical abuse or being in fear of physical abuse.

Massachusetts law now recognizes the unfortunate reality that abuse goes beyond just the physical. It can be economic or psychological, too.

With the recent 2024 amendment to the law on abuse prevention orders (aka restraining orders), Massachusetts became the seventh state in the United States to add “coercive control” to the definition of abuse, and coercive control is now a basis for obtaining a restraining order.

Under M.G.L. c. 209A, you must experience abuse by a family or household member to obtain a restraining order. Until recently, abuse was limited to what most think of as “physical” acts: specifically, an attempt to cause physical harm, actual physical harm, placing a victim in fear of imminent serious physical harm, or causing the victim to involuntarily engage in sexual activity. Now, abuse also encompasses behavior falling under the definition of “coercive control.”

Under the new law, coercive control includes either: (1) one of three specific acts, or (2) a pattern of behavior.

If a family or household member engages in any of the following acts, a victim may be able to obtain a restraining order against them:

- Harming or attempting to harm a child or relative of the family or household member,
- Committing or attempting to commit abuse to an animal connected to the family or household member, or
- Publishing or attempting to publish sexually explicit images of the family or household member.

Alternatively, a pattern of behavior may rise to the level of legal abuse under the definition of coercive control. Those behaviors include, but are not limited to:

- Physically restraining or preventing a family or household member from leaving the home by hiding their keys or blocking the driveway,
- Restricting a family or household member's ability to turn on the heat or the air conditioning in the home,
- Creating or changing social media profiles or logins without the consent of the family or household member,
- Restricting a family or household member's access to credit cards or money,
- Threatening to jeopardize a family or household member's immigration status, or
- Controlling how and when a family or household member dresses, behaves, sleeps, and exercises.

These acts could establish a pattern of behavior that rises to the level of abuse necessary for a restraining order.

Given that the change in the law is new, the exact parameters have yet to be fully litigated or interpreted by Massachusetts Courts. For example, how many individual acts are needed to establish a pattern? How do location tracking apps that families frequently use to keep tabs on their children and partner come into play? As time goes on, specificity will emerge and answer questions like these and others.

If you are experiencing abuse by a family or household member, it's important to contact an attorney to discuss what you can do to protect yourself, including whether getting a restraining order is the right option for you. If you are seeking immediate help or information, please view these [Domestic Violence Resources](#).