ABUSE PREVENTION ORDER (G.L. c. 209A) Page 1 of 2

DOCKET NO. 2008 28 RO 0010

TRIAL COURT OF MASSACHUSETTS

PLAINTIFF'S NAME: Raquel E. Babeu

NAME & ADDRESS OF COURT: Northern Berkshire District Court, 111 Holden Street, North Adams, Ma 01247

DEFT. INFO.

Defendant's Name and Address: Lucy A. Babeu, 190 Mohawk Forest Blvd., North Adams, MA 01247

Alias, if any:

Date of Birth: 3/31/62

Sex: ☐ M ☒ F

Place of Birth: North Adams

SS #:

Daytime Phone # (413) 664-0343

Mother's Maiden Name (First & Last): Helen Reardon

Father's Name (First & Last): Raymond Babeu

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: *(only those items checked shall apply)*

☐ This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of abuse.

☐ This Order was communicated by telephone from the Judge named below to: Police Dept. _____ Police Officer _____

☒ **1. YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF** by harming, threatening or attempting to harm the Plaintiff physically or by placing the Plaintiff in fear of imminent serious physical harm, or by using force, threat or duress to make the Plaintiff engage in sexual relations unwillingly.

☒ **2. YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF,** except as permitted in 8 below or for notification of court proceedings as permitted in this section, either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least _____ yards from the Plaintiff even if the Plaintiff seems to allow or request contact. Notification of court proceedings is permissible only by mail, or by sheriff or other authorized officer when required by statute or rule.

☒ **3. YOU ARE ORDERED TO IMMEDIATELY LEAVE AND STAY AWAY FROM THE PLAINTIFF'S RESIDENCE,** except as permitted in 8 below, located at _____ or wherever else you may have reason to know the Plaintiff may reside. The Court also **ORDERS** you (a) to surrender any keys to that residence to the Plaintiff, (b) not to damage any belongings of the Plaintiff or any other occupant, (c) not to shut off or cause to be shut off any utilities or mail delivery to the Plaintiff, and (d) not to interfere in any way with the Plaintiff's right to possess that residence, except by appropriate legal proceedings.

☐ If this box is checked, the Court also **ORDERS** you to immediately leave and remain away from the entire apartment building or other multiple family dwelling in which the Plaintiff's residence is located.

☐ **4. PLAINTIFF'S ADDRESS IMPOUNDED.** The Court **ORDERS** that the address of the Plaintiff's residence is to be impounded by the Clerk-Magistrate or Register of Probate so that it is not disclosed to you, your attorney, or the public.

☒ **5. YOU ARE ORDERED TO STAY AWAY FROM THE PLAINTIFF'S WORKPLACE** located at _____

☐ **6. CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:**

NAME	DOB	NAME	DOB

☐ **7. YOU ARE ORDERED NOT TO CONTACT THE CHILDREN LISTED ABOVE OR ANY CHILDREN IN THE PLAINTIFF'S CUSTODY LISTED BELOW,** either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least _____ yards away from them unless you receive written permission from the Court to do otherwise.

☐ You are also ordered to stay away from the following school, day care, other: _____

NAME	DOB	NAME	DOB

☐ **8. VISITATION WITH THE CHILDREN LISTED IN SECTION 6 IS PERMITTED ONLY AS FOLLOWS (may be ordered by Probate and Family Court only):**

_____

☐ Visitation is only allowed if supervised and in the presence of _____ at the following times _____

_____ to be paid for by _____

☐ Transportation of children to and from this visitation is to be done by _____ (third party), and not by you.

☐ You may contact the Plaintiff by telephone only to arrange this visitation.

☐ **9. YOU ARE ORDERED TO PAY SUPPORT** for ☐ the Plaintiff and ☐ your child or children listed above, at the rate of $ _____ per ☐ week or per ☐ _____, beginning _____, 20 ____ ☐ directly to the Plaintiff ☐ through the Probation Office of this Court ☐ through the Massachusetts Department of Revenue ☐ by income assignment.

☐ **10. YOU MAY PICK UP YOUR PERSONAL BELONGINGS** in the company of police at a time agreed by the Plaintiff.

☐ **11. YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF** for $ _____ in losses suffered as a direct result of the abuse, to be paid in full on or before _____, 20____ ☐ directly to the Plaintiff ☐ through the Probation Office of this Court.

☒ **12. THERE IS A SUBSTANTIAL LIKELIHOOD OF IMMEDIATE DANGER OF ABUSE. YOU ARE ORDERED TO IMMEDIATELY SURRENDER** to the serving/requesting Police Department all guns, ammunition, gun licenses and FID cards. Your license to carry a gun, if any, and your FID card, if any, are suspended immediately.

- You must immediately surrender the items listed above, and also comply with all other Orders in this case.
- Subject to certain exceptions, purchase and/or possession of a firearm and/or ammunition while this order is in effect is a federal crime. 18 U.S.C. §§ 922(g)(8) and 925.

☐ **13. YOU ARE ALSO ORDERED** _____

The Plaintiff must appear at scheduled hearings, or this Order will expire. The Defendant may appear, with or without attorney, to oppose any extension or modification of this Order. If the Defendant does not appear, the Order may be extended or modified as determined by the Judge. For good cause, either the Plaintiff or the Defendant may request the Court to modify this Order before its scheduled expiration date.

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14. Police reports are on file at the _____ Police Department.
15. OUTSTANDING WARRANTS FOR THE DEFENDANT'S ARREST: _____ (DOCKET #s) _____ (PCF #)
☐ 16. An imminent threat of bodily injury exists to the petitioner. Notice issued to _____ Police Department(s) by ☐ telephone ☐ other _____

☐ B. NOTICE TO LAW ENFORCEMENT.

1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons), and make return of service to this Court. If this box is checked ☐, service may instead be made by leaving such copies at the Defendant's address shown on Page 1 but only if the officer is unable to deliver such copies in hand to the Defendant.
☐ 2. Defendant Information Form accompanies this Order.
☐ 3. Defendant has been served in hand by the Court's designee. Name _____ Date _____

DATE OF ORDER	TIME OF ORDER ☐ A.M. ☐ P.M.	EXPIRATION DATE OF ORDER at 4 P.M.	NEXT HEARING DATE: at _____ ☐ A.M. ☐ P.M. In Courtroom _____
The above and any subsequent Orders expire on the expiration dates indicated. Hearings on whether to continue and/or modify Orders will be held on dates and times indicated.			SIGNATURE/NAME OF JUDGE

☒ C. MODIFICATION.

☒ This modification was issued after a hearing at which the Plaintiff ☒ appeared ☐ did not appear and the Defendant ☒ appeared ☐ did not appear.
The Court has **ORDERED** that the prior order issued on _____, 20____ be **MODIFIED** as follows:
☒ The expiration date of this order has been **EXTENDED**. (See Below) ☐ **OTHER MODIFICATION(S)** _____
ORDER MADE PERMANENT.
☒ **Firearm** surrender order continued. The items surrendered under paragraph 12 will NOT be returned since doing so would present a likelihood of abuse to the plaintiff.

Date of this Modification: 08-10-09	Expiration date of this order: None PERMANENT	Signature/Name of Judge: [signature]
Time of Modification: ☐ A.M. ☐ P.M.	Next Hearing Date: _____ at _____ ☐ A.M. ☐ P.M. Courtroom _____	

☐ D. MODIFICATION.

☐ This modification was issued after a hearing at which the Plaintiff ☐ appeared ☐ did not appear and the Defendant ☐ appeared ☐ did not appear.
The Court has **ORDERED** that the prior order issued on _____, 20____ be **MODIFIED** as follows:
☐ The expiration date of this order has been **EXTENDED**. (See Below) ☐ **OTHER MODIFICATION(S)** _____
☐ **Firearm** surrender order continued. The items surrendered under paragraph 12 will NOT be returned since doing so would present a likelihood of abuse to the plaintiff.

Date of this Modification:	Expiration date of this order:	Signature/Name of Judge:
Time of Modification: ☐ A.M. ☐ P.M.	Next Hearing Date: _____ at _____ ☐ A.M. ☐ P.M. Courtroom _____	

☐ E. MODIFICATION.

☐ This modification was issued after a hearing at which the Plaintiff ☐ appeared ☐ did not appear and the Defendant ☐ appeared ☐ did not appear.
The Court has **ORDERED** that the prior order issued on _____, 20____ be **MODIFIED** as follows:
☐ The expiration date of this order has been **EXTENDED**. (See Below) ☐ **OTHER MODIFICATION(S)** _____
☐ **Firearm** surrender order continued. The items surrendered under paragraph 12 will NOT be returned since doing so would present a likelihood of abuse to the plaintiff.

Date of this Modification:	Expiration date of this order:	Signature/Name of Judge:
Time of Modification: ☐ A.M. ☐ P.M.	Next Hearing Date: _____ at _____ ☐ A.M. ☐ P.M. Courtroom _____	

☐ F. PRIOR COURT ORDER VACATED.

This Court's prior Order is vacated. Law enforcement agencies shall destroy all records of such Order.
☐ VACATED AT PLAINTIFF'S REQUEST

SIGNATURE/NAME OF JUDGE	DATE OF ORDER	TIME OF ORDER ☐ A.M. ☐ P.M.
WITNESS - FIRST OR CHIEF JUSTICE Hon. Michael J. Ripps	A true copy, attest (Asst.) Clerk Magistrate/ (Asst.) Register of Probate	

detail as possible.

On or about 1-12, 1-13, 2008, the Defendant Threatened my life, saying she would kill me. She is at the psychiatric ward at North Adams Regional Hospital. She keeps calling my phone and the residence where I am staying. She is calling me about 20 times a day. She thinks that I am the person who put her ~~and~~ in the hospital. She blames me for breaking up our family. She is threatening to come after me and that she will hurt me and "get me" when she gets out of the psychiatric ward. She is calling my relatives and friends and telling them that she is going "deal with" me and hurt me when she gets out. She has been sectioned to the psychiatric ward. She is not there voluntarily. I have no idea when she will be released and I am in fear of my life. that when she gets out she will come and find me and try to physically harm me.

If more space is needed, attach additional pages and check this box: ☐

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED	PLAINTIFF'S SIGNATURE
1-15-07	x Raquel Babbitt

2008 JAN 15 AM 9:56
DISTRICT COURT

WITNESSED BY	PRINTED NAME OF WITNESS	TITLE/RANK OF WITNESS
x		

ABUSE PREVENTION ORDER
(G.L. c. 209A) Page 1

DOCKET NO
2008 28 RO 0010

TRIAL COURT OF MASSACHUSETTS

PLAINTIFF'S NAME	Defendant's Name and Address	Alias, if any
Raquel E. Babeu	Lucy A. Babeu 17 Yale Street North Adams, MA 01247	

NAME & ADDRESS OF COURT
Northern Berkshire District Court
111 Holden Street
North Adams, Ma 01247

DEFT. INFO.

Date of Birth	Place of Birth
3/31/62	No. Adams
SS #	Daytime Phone # (413) 664-0343

Sex: M ☐ F ☒ X

Mother's Maiden Name (First & Last): Helen Reardon

Father's Name (First & Last): Raymond Babeu

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: *(only those items checked shall apply)*

☒ This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of abuse.

☐ This Order was communicated by telephone from the Judge named below to:
Police Dept._____ Police Officer_____

☒ 1. **YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF** by harming, threatening or attempting to harm the Plaintiff physically or by placing the Plaintiff in fear of imminent serious physical harm, or by using force, threat or duress to make the Plaintiff engage in sexual relations unwillingly.

☒ 2. **YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF,** except as permitted in 8 below or for notification of court proceedings as permitted in this section, either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least 25 yards from the Plaintiff even if the Plaintiff seems to allow or request contact. Notification of court proceedings is permissible only by mail, or by sheriff or other authorized officer when required by statute or rule.

☒ 3. **YOU ARE ORDERED TO IMMEDIATELY LEAVE AND STAY AWAY FROM THE PLAINTIFF'S RESIDENCE,** except as permitted in 8 below, located at _____ or wherever else you may have reason to know the Plaintiff may reside. The Court also **ORDERS** you (a) to surrender any keys to that residence to the Plaintiff, (b) not to damage any belongings of the Plaintiff or any other occupant, (c) not to shut off or cause to be shut off any utilities or mail delivery to the Plaintiff, and (d) not to interfere in any way with the Plaintiff's right to possess that residence, except by appropriate legal proceedings.

☒ If this box is checked, the Court also **ORDERS** you to immediately leave and remain away from the entire apartment building or other multiple family dwelling in which the Plaintiff's residence is located. DJP

☒ 4. **PLAINTIFF'S ADDRESS IMPOUNDED.** The Court **ORDERS** that the address of the Plaintiff's residence is to be impounded by the Clerk-Magistrate or Register of Probate so that it is not disclosed to you, your attorney, or the public.

☒ 5. **YOU ARE ORDERED TO STAY AWAY FROM THE PLAINTIFF'S WORKPLACE** located at Bay Path College - Longmeadow, MA

☐ 6. **CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:** DJP

NAME	DOB	NAME	DOB

☐ 7. **YOU ARE ORDERED NOT TO CONTACT THE CHILDREN LISTED ABOVE OR ANY CHILDREN IN THE PLAINTIFF'S CUSTODY LISTED BELOW,** either in person, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least _____ yards away from them unless you receive written permission from the Court to do otherwise.
☐ You are also ordered to stay away from the following school, day care, other: _____

NAME	DOB	NAME	DOB

☐ 8. **VISITATION WITH THE CHILDREN LISTED IN SECTION 6 IS PERMITTED ONLY AS FOLLOWS (may be ordered by Probate and Family Court only):**

☐ Visitation is only allowed if supervised and in the presence of _____ at the following times _____ to be paid for by _____

☐ Transportation of children to and from this visitation is to be done by _____ (third party), and not by you.

☐ You may contact the Plaintiff by telephone only to arrange this visitation.

☐ 9. **YOU ARE ORDERED TO PAY SUPPORT** for ☐ the Plaintiff and ☐ your child or children listed above, at the rate of $ _____ per ☐ week or per ☐ _____, beginning _____, 20____ ☐ directly to the Plaintiff ☐ through the Probation Office of this Court through the Massachusetts Department of Revenue ☐ by income assignment.

☐ 10. **YOU MAY PICK UP YOUR PERSONAL BELONGINGS** in the company of police at a time agreed by the Plaintiff.

☐ 11. **YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF** for $ _____ in losses suffered as a direct result of the abuse, to be paid in full on or before _____, 20____ ☐ directly to the Plaintiff ☐ through the Probation Office of this Court.

☒ 12. **THERE IS A SUBSTANTIAL LIKELIHOOD OF IMMEDIATE DANGER OF ABUSE. YOU ARE ORDERED TO IMMEDIATELY SURRENDER** to the North Adams Police Department all guns, ammunition, gun licenses and FID cards. Your license to carry a gun, if any, and your FID card, if any, are suspended immediately.
- ▶ You may ask the Court to change this Order by going to the Court and filing a petition. The Court will schedule a hearing on your petition.
- ▶ You must immediately surrender the items listed above, and also comply with all other Orders in this case, whether or not you file a petition.
- ▶ If you need a firearm, rifle, shotgun, machine gun, or ammunition for your job, you may ask for a hearing within two days.

☐ 13. **YOU ARE ALSO ORDERED** _____

The Plaintiff must appear at scheduled hearings, or this Order may be vacated. The Defendant may appear, with or without attorney, to oppose any extension or modification of this Order. If the Defendant does not appear, the Order may be extended or modified as determined by the Judge. For good cause, either the Plaintiff or the Defendant may request the Court to modify this Order before its scheduled expiration date.

FAP 2-06.

ABUSE PREVENTION OR' (G.L. c. 209A) Page 2 c. .	DOCKET NO. 2008 28 RO 0010	IAL COURT OF MASSACHUSETTS

14. Police reports are on file at the _____ Police Department.
15. OUTSTANDING WARRANTS FOR THE DEFENDANT'S ARREST:
_____ (DOCKET #s) _____ (PCF #)

☐ 16. An imminent threat of bodily injury exists to the petitioner. Notice issued to _____ Police Department(s) by ☐ telephone ☐ other _____.

☐ **B. NOTICE TO LAW ENFORCEMENT.**

1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons), and make return of service to this Court. If this box is checked ☐, service may instead be made by leaving such copies at the Defendant's address shown on Page 1 but only if the officer is unable to deliver such copies in hand to the Defendant.
☐ 2. Defendant Information Form accompanies this Order.
☑ 3. Defendant has been served in hand by the Court's designee: Name _____ Date 1-23-08

DATE OF ORDER	TIME OF ORDER	EXPIRATION DATE OF ORDER	NEXT HEARING DATE:
1/15/08	2:30 ☐ A.M. ☐ P.M.	1-23-08 at 4 P.M.	at 10 ☑ A.M. ☐ P.M. in Courtroom No. Berkshire
The above and any subsequent Orders expire on the expiration dates indicated. Hearings on whether to continue and/or modify Orders will be held on dates and times indicated.			SIGNATURE/NAME OF JUDGE

☒ **C. PRIOR COURT ORDER EXTENDED.**

After a hearing at which the Defendant ☒ appeared ☐ did not appear, the Court has ORDERED that the prior Order dated 1-16 2008 shall continue in effect until the next expiration date below ☒ without modification
☐ with the following modification(s):

_____

_____

☒ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER	TIME OF ORDER	EXPIRATION DATE OF ORDER	NEXT HEARING DATE:
JAN 23 2008	10:00 ☒ A.M. ☐ P.M.	July 23, 2008 at 4 P.M.	July 23, 2008 at 2 PM at [redacted] A.M. in Courtroom _____
SIGNATURE/NAME OF JUDGE			

☐ **D. FURTHER EXTENSION.**

After a hearing at which the Defendant ☐ appeared ☐ did not appear, the Court has ORDERED that the prior Order dated _____, 20____ shall continue in effect until the next expiration date below ☐ without modification
☐ with the following modification(s):

_____

_____

☐ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER	TIME OF ORDER	EXPIRATION DATE OF ORDER	NEXT HEARING DATE:
	☐ A.M. ☐ P.M.	at 4 P.M.	at _____ ☐ A.M. ☐ P.M. in Courtroom _____
SIGNATURE/NAME OF JUDGE			

☑ **E. PRIOR COURT ORDER MODIFIED.**

Upon motion by the ☑ Plaintiff ☐ Defendant and after a hearing at which the Plaintiff ☑ appeared ☐ did not appear and the Defendant ☐ appeared ☑ did not appear, the Court has ORDERED that the prior Order dated 1-15, 2008 shall be modified as indicated below:

add par. 10 plaintiff may get her belongings with police at time agreed by defendant.

☐ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER	TIME OF ORDER	EXPIRATION DATE OF ORDER	NEXT HEARING DATE:
JAN 16 2008	9:34 ☑ A.M. ☐ P.M.	1-23-08 at 4 P.M.	1-23-08 at 10 ☑ A.M. ☐ P.M. in Courtroom _____
SIGNATURE/NAME OF JUDGE			

☐ **F. PRIOR COURT ORDER VACATED.**

This Court's prior Order is vacated. Law enforcement agencies shall destroy all records of such Order.
☐ VACATED AT PLAINTIFF'S REQUEST.

SIGNATURE/NAME OF JUDGE	DATE OF ORDER	TIME OF ORDER ☐ A.M. ☐ P.M.

WITNESS - FIRST OR CHIEF JUSTICE	A true copy. attest (Asst.) Clerk Magistrate/ (Asst.) Register of Probate
Hon. Michael J. Ripps	

FA 2a (9/95)

COURT COPY

1. Raquel E. Babeu, being duly sworn, deposes and says,

    1. I am the plaintiff. I obtained this order in January 2008 after my mother was hospitalized, and then committed to the Greylock pavilion under section 12 after consuming alcohol and all of her Klonopin, seizure medication (Depakote) and Ativan. Once she was in the hospital she told me that her work as a mother was over, and that when she was released from the hospital, she would kill me, my [redacted] brothers, and herself. DSS took custody of my brothers, and I took a semester off from school to be near them. My brother [redacted] has turned 18, [redacted] is 15 and remains in the custody of DSS. I am living next door to my brothers in North Adams. I have been sharing a house with my best friend and her boyfriend, and my best friend's parents, who live next door, have become foster parents with DSS for my brothers. I am scheduled to return to Bay Path College, where I am a senior in late August.

    2. My mother's mental health appears not to have improved since January. While she was then claiming to have been diagnosed with MS she now says she has a brain tumor. I had no contact with her, but hear regularly about her through family and acquaintances in North Adams. Her conditions are exacerbated by drugs and alcohol. I have spoken to my brother's DSS worker. My mother's visitation with my brother has been suspended because she was inappropriate during visits. She has written to my brother [redacted] saying that I am the source of the problems in the family and that he should not be misled by me. She has told people in North Adams extremely insulting and derogatory things about me. One of her companions has driven by my house on several occasions. I am concerned that if the restraining order is lifted, she will direct her anger against me, and will seek to do me physical harm. Her use of aids to mobility such as crutches is selective. I have seen her walking recently without them. This was at a distance, and she was not in violation of the order. I am afraid because her views about me are so distorted and her mental condition is unstable. I am further concerned because she has been unable to contain herself enough to even be able to maintain visitation. She has several male associates who are disreputable, and with their assistance, she is capable of harming me physically.

Subscribed and sworn to under the pains and penalties of perjury the twenty third day of July 2008.

Raquel Babeu

Raquel E. Babeu