

Domestic Violence Defense

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Overview

Skilled counsel. Swift action. Protecting your rights and future.

A domestic violence accusation can unravel your life in a matter of hours. A 209A abuse prevention order can be issued before you even know a petition has been filed, removing you from your home, restricting contact with your children, and triggering the surrender of any firearms. Criminal charges, including assault and battery, strangulation, or violation of a protective order, often follow closely behind. The consequences extend well beyond the courtroom: custody determinations, employment background checks, professional licensing, and immigration status can all be affected.

Defendants in domestic violence cases often assume cooperation and contrition will resolve matters quickly. In practice, statements made to explain or apologize become prosecution evidence, and voluntary compliance with informal conditions can justify formal restrictions. What feels like doing the right thing can become the basis for a case against you.

Cohen Cleary defends individuals accused of domestic violence and those facing abuse prevention orders across Massachusetts and Rhode Island.

How We Defend Against Domestic Violence Charges and 209A Orders

Domestic violence cases involve parallel legal proceedings. Criminal charges and civil restraining orders operate on different timelines and standards of proof, but what happens in one directly affects the other. We build defense strategies accounting for both:

209A Abuse Prevention Order Defense

Massachusetts Chapter 209A allows a court to issue emergency ex parte orders based solely on a plaintiff's affidavit. We prepare clients for the ten-day hearing where the order can be challenged, building the record needed to contest or narrow its scope.

Criminal Charge Defense

We defend against charges that commonly accompany domestic allegations, including assault and battery, strangulation under G.L. c. 265, § 15D, intimidation of a witness, and violation of a 209A order. Violation carries mandatory arrest, even for unintentional contact.

Custody and Family Court Implications

Domestic violence allegations carry significant weight in custody proceedings. We coordinate criminal defense with family law strategy to prevent a restraining order from becoming a permanent custody arrangement.

False Accusation Defense

We investigate the circumstances, identify inconsistencies, and build an affirmative defense

when allegations are fabricated or exaggerated.

Firearms License Protection

A 209A order triggers automatic firearms license suspension under both state and federal law. We advise on preservation and restoration strategies.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our criminal defense work, this approach helps clients navigate domestic violence allegations with clarity, efficiency, and confidence.

Our Approach to 209A Defense and Domestic Assault Cases

We tell our clients that the ten-day hearing on a 209A order is often the most consequential moment in a domestic violence case. The ex parte order is issued on the plaintiff's sworn statement alone. That hearing is your first opportunity to present evidence, cross-examine, and challenge the factual basis for the order. We treat it with the same preparation we bring to trial. Leaving the residence after an order does not constitute an admission of guilt; it is compliance with a court directive. The alleged victim does not control prosecution; once police are involved,

the Commonwealth decides whether to proceed.

Serving Clients Across Massachusetts and Rhode Island

Cohen Cleary represents clients facing domestic violence charges and 209A proceedings in district and superior courts throughout Massachusetts and Rhode Island. Our offices in [Taunton](#) and [Plymouth](#) provide local access for clients in Bristol County, Plymouth County, Norfolk County, and southeastern Massachusetts. We handle arraignments, emergency hearings, and restraining order proceedings with familiarity across courts in the South Shore and southeastern corridor. For clients facing charges or protective order proceedings in Rhode Island, we provide coordinated defense across jurisdictional lines, ensuring that developments in one state do not create unintended consequences in the other.

Protect Your Rights. Act Now. Call a Domestic Violence Defense Attorney

Domestic violence cases move fast, and early decisions have lasting consequences. If you have been arrested, served with a 209A order, or learned of pending charges, contact Cohen Cleary to speak with an attorney who understands the urgency of your situation.

Frequently Asked Questions About Domestic Violence Defense

What happens at a 209A hearing in Massachusetts?

The process begins with an ex parte hearing, where the plaintiff requests an emergency order without the respondent present. If granted, the respondent is served, and a ten-day hearing is scheduled. Both parties can present testimony and cross-examine witnesses. The judge then decides whether to extend, modify, or vacate the order. Orders can be extended for up to one year and renewed.

Can domestic violence charges be dropped if the alleged victim does not want to press charges?

The alleged victim does not control whether prosecution moves forward. In Massachusetts, the Commonwealth decides whether to pursue charges. Even if the complainant recants, prosecutors can proceed using police reports, photographs, 911 recordings, and witness statements. Getting domestic violence charges dropped is not within the complainant's control once the case enters the system.

Will a 209A restraining order affect my custody rights?

Yes. A 209A order can include temporary custody provisions, and the existence of an abuse prevention order is a factor that family courts consider in custody determinations. Under Massachusetts law, a finding of abuse creates a rebuttable presumption against awarding custody to the abusive parent. Allowing an order to go uncontested can create a factual record that disadvantages you in family court for years.

What are the consequences of violating a 209A order?

Violation of a 209A order is a criminal offense carrying up to two and a half years in a house of

correction. Massachusetts law requires mandatory arrest when police have probable cause to believe a violation occurred. This includes any form of contact: in person, by phone, through text messages, or through third parties. Even accidental contact can result in arrest. Strict compliance is essential while your attorney works to challenge or modify the order.