

MASSACHUSETTS APPEALS COURT

Nan N. v. Rex R.

No. 25-P-524 (Mass. App. Ct. Mar. 20, 2026) · No. 25-P-524 · Decided March 20, 2026

SUMMARY

The Massachusetts Appeals Court affirmed the extension of a G. L. c. 209A abuse prevention order based on the plaintiff's reasonable fear of imminent serious physical harm. The court did not decide whether coercive-control provisions applied retroactively or whether an email from the defendant's divorce lawyer was improperly considered, because the order was independently supported by the fear-of-serious-physical-harm ground. The court rejected the defendant's cross-examination and evidentiary claims but vacated the portion of the order extending beyond one year and remanded for a further hearing.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Grant, J.; Rubin, J.; Hodgens, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	March 20, 2026
DOCKET	25-P-524
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The husband appealed from a Probate and Family Court order extending an ex parte abuse prevention order under G. L. c. 209A after a hearing after notice.
STANDARD OF REVIEW	The extension of a G. L. c. 209A abuse prevention order is reviewed for abuse of discretion or other error of law. A discretionary decision is an abuse of discretion when the judge made a clear error of judgment in weighing relevant factors such that the decision falls outside the range of reasonable alternatives. Credibility determinations receive utmost deference.
PRECEDENTIAL VALUE	published
PARTIES	Rex R. v. Nan N.

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support extending the abuse prevention order based on the wife's reasonable fear of imminent serious physical harm.
2. Whether the Probate and Family Court improperly relied on an e-mail from the husband's divorce lawyer to the wife's divorce lawyer.
3. Whether the judge violated the husband's due process rights by inadequately safeguarding his opportunity to cross-examine the wife and present evidence.
4. Whether the judge could apply the statutory coercive-control provision to conduct occurring before its effective date.
5. Whether the judge could extend the abuse prevention order for two years at the initial hearing after notice.

HOLDINGS

1. The evidence was sufficient to establish that the husband placed the wife in reasonable fear of imminent serious physical harm and that an extension of the abuse prevention order was necessary.
2. Even assuming the judge erred by attributing the contents of the e-mail to the husband, any such error was not prejudicial.
3. The court did not decide whether the statutory coercive-control provision could be applied to the husband's pre-September 18, 2024 conduct because the order was independently supported by the fear-of-imminent-serious-physical-harm ground.
4. The judge did not violate the husband's due process rights by failing to permit adequate cross-examination or presentation of evidence.
5. At the initial hearing after notice, a c. 209A order may not be extended for more than one year; a longer extension is premature and must be vacated.

KEY QUOTATIONS

“The totality of the circumstances is not limited to a defendant's conduct that constitutes physical abuse. Conduct that constitutes verbal, emotional, or economic abuse may exacerbate a plaintiff's fear of imminent serious physical harm.” (13)

“Although, as the judge correctly stated in her written order, “[t]he [wife] did not need to offer evidence of physical violence or overt threats to prove that her fear was reasonable,” the judge found that the wife credibly described “specific incidences of physical abuse” and “physical violence” perpetrated by the husband.” (15)

“At the hearing after notice, it was premature for the judge to extend the order beyond one year, and thus we are constrained to remand the case to the Probate and Family Court.” (20)

FACTUAL BACKGROUND

The parties were married in 1996 and had four children. The husband engaged in a course of conduct that included physically cornering and pinning the wife, pushing her against a lit stove, following and verbally abusing her, threatening her financial security and legal representation, monitoring her movements through cameras, and threatening to enter the Massachusetts home at any time. The wife testified that these events caused her to fear imminent serious physical harm, and the trial judge found her credible and visibly distressed. The husband was due to return to Massachusetts and said he would stay in the home despite a parenting-plan agreement not to enter without permission, prompting the wife to seek protection.

PROCEDURAL HISTORY

Nan N. filed a complaint for protection from abuse in the Essex Division of the Probate and Family Court on March 26, 2025. The court issued an ex parte order, then, after a hearing at which both parties were represented by counsel, extended the order for two years. The husband appealed. During the appeal, the Appeals Court vacated the portion extending the order beyond April 2, 2026, remanded for a timely extension hearing, and affirmed the order in all other respects.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Probate and Family Court must conduct an extension hearing on or before April 2, 2026. The portion of the April 2, 2025 order extending relief beyond April 2, 2026 was vacated; the order was otherwise affirmed.

CASES CITED

- Vanna V. v. Tanner T., 102 Mass. App. Ct. 549, 552 (2023)
- Constance C. v. Raymond R., 101 Mass. App. Ct. 390, 394 (2022)
- L.L. v. Commonwealth, 470 Mass. 169, 185 n.27 (2014)
- Noelle N. v. Frasier F., 97 Mass. App. Ct. 660, 664 (2020)
- Vera V. v. Seymour S., 98 Mass. App. Ct. 315, 317 (2020)
- Iamele v. Asselin, 444 Mass. 734, 739-740 (2005)
- G.B. v. C.A., 94 Mass. App. Ct. 389, 394 (2018)
- C.R.S. v. J.M.S., 92 Mass. App. Ct. 561, 563 (2017)
- Schechter v. Schechter, 88 Mass. App. Ct. 239, 241-242 & n.5 (2015)
- Ginsberg v. Blacker, 67 Mass. App. Ct. 139, 141-142 (2006)
- Constance C. v. Raymond R., 101 Mass. App. Ct. 390, 396-397 & n.11 (2022)

- Vanna V. v. Tanner T., 102 Mass. App. Ct. 549, 553-554 (2023)
- G.B. v. C.A., 94 Mass. App. Ct. 389, 396 (2018)
- Idris I. v. Hazel H., 100 Mass. App. Ct. 784, 790 (2022)
- MacDonald v. Caruso, 467 Mass. 382, 386 (2014)
- Crenshaw v. Macklin, 430 Mass. 633, 636 (2000)
- Vittone v. Clairmont, 64 Mass. App. Ct. 479, 486 (2005)

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