
GLOSSARY

abuse—For the purposes of obtaining a restraining order under G.L. c. 209A, “abuse” is defined as attempting to cause or causing someone physical harm; placing another in fear of imminent physical harm; or causing another to engage involuntarily in sexual relations by force, threat of force, or duress.

affidavit—A written statement by someone who swears or affirms the truth of the statement. It is generally attached to court documents, such as a petition for protective orders, and is used as evidence.

alimony—An allowance for support made under a court order; it is usually given by one person to his or her former partner after a divorce or legal separation.

answer—A court document that is filed in response to a complaint in a lawsuit. The answer states whether a person agrees or disagrees with the statements in the complaint. The answer can also include a counterclaim.

appeal—A request to a higher court for a rehearing or review of the decision of a lower court to determine if the lower court applied the law incorrectly or failed to follow court procedures.

arbitration—A process for resolving disputes with a decision maker who is not the judge in a court case. This person is a neutral party who hears the issues and makes a decision. This process is related to mediation, but is different; in mediation, the neutral third party assists the parties in a dispute to negotiate a resolution.

arrears—This term is generally used to refer to an amount of support (child support or alimony) that is past due or unpaid despite a court order.

assets—Items with value that can be liquidated—for example, bank accounts.

battered women’s syndrome (BWS)—A name given to a series of symptoms that can result from trauma suffered as a battered woman. These symptoms can include a decrease in self-esteem, an emotional dependence upon dominant personalities, or emotional paralysis.

best interest of the child—A standard or guideline used by a judge to decide questions related to a minor child, usually during a custody determination.

burden of proof—The responsibility of the moving party to establish evidence at a certain level of belief in the mind of the trier of fact. For example, to terminate parental rights, the unfitness of a parent must be proven by clear and convincing evidence. In a criminal matter, a prosecutor must prove that the accused committed the crime beyond a reasonable doubt.

care and protection (C & P)—This term refers to the legal action filed in court by the Department of Social Services (DSS) stating that the child’s parents are unfit. It is taken from the statute that allows the DSS to file the action if it believes that the child is in need of care and protection.

civil case—A legal action involving one party against another to redress or prevent a legal wrong, or to enforce or protect a private right; this type of case does not deal with a public wrong or punishment. Examples of civil cases are divorce actions, child support actions, and custody matters.

common law—A body of law, sometimes referred to as “case law,” that has been developed by court decisions over the years, and that establishes how judges should interpret statutes and other matters not covered by a statute.

complaint—The document filed with a court to begin a legal action.

contempt—Failure or refusal to obey a court order. In the Probate and Family Court, this usually refers to an action brought by one party against another to enforce support or another court order.

■ GLOSSARY

court of record—The court in which permanent documentation of a proceeding or hearing is made.

court officer—A uniformed, unarmed officer stationed in the courtrooms to keep order.

court record—The written or taped transcript of the court proceeding and any documents that are filed with the court in a particular matter.

custody—In the context of this manual, this term refers to the custody of minor children—i.e., the care and keeping of children as decided in a court proceeding. There are two types of custody: physical and legal. A person who has physical custody has the right to have the child live with him or her. A person with legal custody has the right to make decisions about the child’s welfare. A person who has full custody has both physical and legal custody.

defendant—The person defending or denying; the party against whom relief or recovery is sought in a court action.

Department of Revenue/Child Support Enforcement (DOR/CSE)—The agency in Massachusetts that helps people collect child support payments on behalf of a minor child from an absent parent.

Department of Social Services (DSS)—The agency in Massachusetts responsible for the protection of children and strengthening families. This is the agency that receives reports about children who may be abused or neglected.

dependent children—This term generally refers to children under eighteen, but may also include children over the age of majority who are still in school or who are disabled.

deposition—Parties in a lawsuit are able to use this process to gather information from the other side by asking questions, usually in a face-to-face interview. The answers are recorded by a stenographer, and the person responding is under oath to tell the truth.

discovery—Ways to gather information in a lawsuit. Discovery is a legal process before the court trial that allows parties in a lawsuit to get information from one another. Discovery includes interrogatories, requests for the production of documents, requests for admissions, and depositions.

dispositional hearing—The hearing in which the judge, generally in juvenile matters, decides issues, such as where to place a child who has been adjudicated in need of care and protection, or in need of services, or who has been found delinquent; visitation; services needed; and any other issues that may affect the child.

Domestic Violence Registry—A computerized record of domestic violence, protective orders, abusers, violations of the orders, and any other information relevant to domestic violence. It is available to the court and police.

due process—The constitutionally protected right to face an accuser, hear charges, and be afforded a right to be heard in a fair proceeding.

duress—A wrongful act by one person that forces another person to do something against their will.

earning capacity—A judicial determination of the amount of salary a person is able to obtain if that person were employed in a position suitable to his or her skills and/or educational level.

emergency response system—The judicial system that has been established to provide a judicial response to an emergency request at times when the court is not normally in session. An example of how this system works is when a person needs an emergency restraining order on the weekend, the police are able to contact a judge who can issue an order that will remain in effect until the next business day that the court is in session.

equity—Principles of fairness and justice. In courts that allow “equitable relief,” judges can order a person to do something or stop doing something if it harms or interferes with the rights of another person. The Probate and Family Court can fashion “equitable relief.”

ex parte—In Latin, this means “from one side.” It refers to hearings where the court hears only one side. An example of this is generally the initial request for a restraining order, where the court hears only from the victim before issuing a temporary order.

family service officer (FSO)—see probation officer.

51A—Massachusetts General Laws Chapter 119, § 51A, which makes it mandatory to report child abuse or neglect.

financial statement—A document required of litigants in a Probate and Family Court matter; it requests information on income, assets, expenses, and liabilities.

findings—The particular issues of fact that a judge determines after hearing a case or a specific issue in a case that support the decision made by the judge.

full faith and credit—The obligation of one state to enforce the valid order of another state. To be considered valid, the order must have been issued by a court that had the power to issue the order, and the other side must have been given notice of the hearing and must have had a chance to be present.

garnishment—A proceeding by a creditor to obtain payment of a debt by collecting it from funds due to the debtor but in the hands of a third party—for example, by collecting payment directly from the debtor’s employer.

guardian ad litem (GAL)—A person assigned by the court to investigate, evaluate, and make recommendations to the court. In the Probate and Family Court, this person often evaluates custody issues and makes recommendations to the court in the best interest of the child. A GAL can also be appointed by the court to make substitute decisions for someone who is incapacitated.

illegitimate child—An antiquated term that refers to a child born to unmarried parents.

injunction—An order by the court that requires someone to do something or to stop doing something. An injunction can order an abuser to stay away from the victim.

interlocutory appeal—A request for a review of a decision of a lower court made before the lower court has completed the whole case.

interrogatories—A way to gather information in a legal matter in which parties to a lawsuit submit written questions to one another that must be answered in writing and under oath.

joint legal custody—Both parents share the right to make major decisions affecting the child’s welfare—for example, decisions about the child’s education, religion, and medical treatment.

joint physical custody—Both parents share the right to live with and supervise the children. This usually means that both parents spend time living with the children. This arrangement can be done in many different ways. The parents can divide days of the week, alternate months, or split the year so that the children can live with both parents. Joint physical custody generally implies that both parents have equal time with the children, but it does not always work out this way.

judgment—The official decision of the judge after the case is heard.

jurisdiction—The authority of legal power to hear and decide cases. To obtain a valid order, a party must bring a case where the court has the authority to hear the issue. Jurisdiction is determined by geographic location and the subject matter of the case. For example, a Probate and Family Court in Essex County has the jurisdiction to hear a divorce matter involving a family from Salem, but not necessarily the divorce of a couple who lives in Pennsylvania.

long-arm jurisdiction—A statutory mechanism by which courts in Massachusetts are allowed to hear certain cases even if one of the parties is outside of the Commonwealth. An example is an action for modification of a child support order after the other parent has left the state.

mediation—An alternative form of resolving disputes where a neutral third party assists the parties in negotiating an agreement or resolution of the dispute.

minor—A child under the age of majority, which is currently eighteen.

■ GLOSSARY

modification—In the context of this manual, modification generally refers to a request to change the court’s order, usually through an action called a complaint for modification.

motion—A request for some type of judicial action.

motion in limine—A request to the court in advance of a hearing to limit the amount or type of evidence presented.

pendente lite—Generally refers to a motion for something to be ordered pending the litigation. Examples are a request for attorney fees or alimony before the issue is litigated.

perjury—The act of providing false testimony while under oath. In Massachusetts, this also covers statements signed under the “pains and penalties of perjury.”

perpetrator—The person who has or is alleged to have committed an act.

petition—A request to the court for relief. The person making the request is the petitioner.

pretrial conference—Conference of all of the parties to a lawsuit and the judge to identify contested and uncontested issues before the trial. At this conference, pretrial orders are made, and a trial date is scheduled. It is also an opportunity for the court to determine if the dispute can be settled without the necessity of a trial.

prima facie case—The elements of proof needed to present a case to the trier of fact and to obtain a favorable ruling, provided that the other party does not successfully challenge the evidence.

privilege—A right that a person has. Often used to refer to privilege communication, which is a communication between two people in a confidential relationship (such as attorney-client, doctor-patient, and priest-penitent communication), that society has allowed to be free from disclosure.

pro bono—Literally means “for free.” This usually refers to free legal representation.

pro se—To represent yourself in court.

probation officer—Formerly known as family service officers, probation officers who work in the Probate and Family Court conduct dispute intervention and/or investigation when a case is referred to the probation office by a judge. A person on criminal probation reports to a probation office in the criminal courts.

protective order—A legal document intended to prevent one party from acting in a certain way. They are sometimes called a “restraining order” or a “209A order.” Such orders require an abuser to refrain from abusing the victim, and may contain other orders, such as a “no contact” order or an order for custody and support.

qualified domestic relations order (QDRO)—An order that is required under federal law to allow pension plan administrators to pay a portion of an employee’s pension to the ex-spouse.

real property—Land and houses or other things permanently fixed and immovable.

removal action—In the context of this book, this generally refers to someone’s request to leave the Commonwealth with his or her minor children.

res judicata—An issue involving the same parties and the same subjects in dispute that has already been decided.

responsive pleading—A document responding to the allegations of a complaint or a counterclaim. This is the same as an answer.

restraining order—An order that aims to protect a person from abuse, also known as an abuse prevention order. Abuse prevention orders are issued under Chapter 209A of the Massachusetts General Laws, and are often referred to as “209A orders.”

return hearing/return date—The hearing for a 209A protective order that takes place within ten days of the filing date or date of the ex parte hearing. Also the date by which a person served with an order to show cause in a contempt matter is ordered to come to court.

return of service—Statement of an officer or another person who delivered a legal document that he or she delivered the document in the specific manner that the court requires.

revocation—A cancellation or recall.

Rules of Domestic Relations Procedure—The body of regulations that governs practice in domestic relations matters before the Probate and Family Court.

sanctions—Penalty ordered to be paid by a wrongdoer for a breach of an order.

service—The process of delivering court papers or notice of court action to someone, such as a summons or a protective order.

sole legal custody—Only the parent who was awarded this type of custody has the right to make major decisions affecting the child's welfare.

sole physical custody—Means that the children live primarily with the parent who was awarded this type of custody. Often the other parent has some type of visitation right.

standing—The legal right to bring a particular type of lawsuit. For example, since a third party cannot bring an action forcing a married couple to divorce, that third party is said to have no standing to do so.

statutory law—Laws that are passed or enacted by a state or federal legislature.

stay—To postpone an action or proceeding, or to put a temporary stop to further proceedings.

stipulations—An agreement, admission, or concession made in a court proceeding, usually of certain facts, that relieves the need to present evidence to support those facts. In this context, it is usually as part of the agreement made in the Family Services Office.

subpoena—A legal document that requires a witness to appear before the court and give testimony. A document called a “subpoena duces tecum” requires a person to bring documents to court.

subpoena duces tecum—An order directing a person to come to court and bring certain documents or records with them.

summons—This is a legal document that tells you to come to court, usually to answer the complaint that was served with the summons.

temporary orders—A provisional or interim order that the court issues pending a final hearing on the matter.

ten-day hearing—The hearing in which both the victim of abuse and the abuser can present their arguments to the court on whether a protective order should be issued under G.L. c. 209A.

testimony—Statements made in court by a person who swears to tell the truth, or makes some other affirmation to tell the truth.

transcript—A written copy of something relating to a case. A typed copy or written copy of the stenographer's notes at a trial, the complete record of a case filed in appeal, or a deposition reduced to writing are all examples of a transcript.

trustee process—A proceeding in which property or money held by a third party is “frozen” to prevent the debtor from depriving the person of money that the debtor owes him or her.

■ GLOSSARY

209A—Massachusetts General Laws Chapter 209A, entitled Abuse Prevention, which allows an abused person to seek protective orders.

vacate—1. An order by a court to terminate the provisions of a previous court order. 2. An order from the court to leave a place, such as an order for the defendant to vacate the house that the parties lived in together.

valuation—Establishing a value for a thing; estimating its worth. For example, in establishing the value of a house that the parties own, one may wish to determine the price at which others may buy the house as a gauge to determine the value of the house.

venue—The geographic area that the court serves. For example, if the parties to a divorce action last lived in a town or area served by a particular court, that court has the power to hear the case.

visitation—Refers to the arrangements made either voluntarily or pursuant to court order to allow the noncustodial parent or grandparents to visit with the minor children.

wage assignments—The process whereby courts order employers to deduct child support payments from the noncustodial parent's paycheck. The money can be sent directly to the custodial parent or to DOR/CSE.

APPENDIX

Part 1—Rules of Probate Court	546
Part 2—Standing Orders of the Probate and Family Court	555
Part 3—Child Support Guidelines	569
Part 4—Massachusetts Rules of Domestic Relations Procedure (Excerpts)	577

PART 1—RULES OF PROBATE COURT

COURT RULES AND GUIDELINES SUPPLEMENTAL RULES OF PROBATE COURT (Pursuant to Mass. R. Civ. P. 83)

Rule

- 101 Interlocutory hearings
- 102 Further notice
- 103 Writ of protection
- 201 Recording of court proceedings under the control of the court
- 202 Appointment of stenographers
- 203 Exhibits
- 204 Printing of forms
- 401 Financial statement
- 402 Assignment of counsel
- 403 Waiver of fees, expenses and other provisions for indigent litigants
- 404 Charges of adultery or criminal acts
- 405 Notice to person charged with adultery or criminal act
- 406 Allowance for fees, costs and expenses
- 407 Service of process
- 408 Dismissal of old divorce cases
- 409 Case Management Conference
- 410 Mandatory Self Disclosure
- 411 Automatic Restraining Order
- 412 Joint Petition for Modification of Child Support Judgment

CHAPTER XI. PRACTICE BEFORE THIS COURT

Rule 101

INTERLOCUTORY HEARINGS

The court may hear motions and other interlocutory matters in chambers or in open court at such times, and upon such notice as may be otherwise required by law.

Written notice of a motion for temporary support of a spouse or children, or both, a motion for attachment, or a motion to vacate the premises for a period of time not exceeding ninety days pending a judgment on a separate support complaint, or a divorce libel complaint, shall be served on or mailed to the other party, or mailed to an attorney who has filed an appearance on behalf of such other party, at least three days prior to such hearing, unless the court for good cause shown otherwise orders, and such motion filed in court shall contain a duly executed affidavit of said service.

Comment: This rule restates Probate Rule 15 as amended by the Probate judges.

Rule 102

FURTHER NOTICE

If a notice, given in accordance with the forms approved as provided by General Laws Chapter 215, Section 30, by General Laws Chapter 217, Section 8 or otherwise provided by these rules, is held by the Judge to be insufficient, he may order such further notice as the case requires.

Comment: This rule restates Probate Rule 8.

Rule 103
WRIT OF PROTECTION

A writ of protection shall issue only upon the application of the person for whom such writ is to be issued, or some person in his behalf, and upon order of the Court, and then only if it is made to appear to the Court, by affidavit and any other evidence that the Court may require, (1) that the application is made in good faith and for the purpose of enabling such person to attend this Court as a party or witness in some specified proceeding pending, (2) if such person is a party, that such proceeding has not been brought collusively to enable him to obtain a writ of protection, and (3) if such person is a witness, that he has not been required to attend as a witness by his own request or procurement, to enable him to obtain a writ of protection.

Comment: This rule restates Probate Rule 14.

CHAPTER XII. MISCELLANEOUS PROVISIONS

Rule 201
RECORDING OF COURT PROCEEDINGS UNDER THE CONTROL OF THE COURT

(1) In all Probate and Family Court Divisions, all courtroom proceedings, with certain exceptions for matters of a preliminary or administrative nature, shall be recorded electronically, subject to the availability and functioning of appropriate recording devices. Said recording shall take place whether or not a court stenographer is present in the courtroom. Motion hearings, including ex parte matters, and pre-trial conferences shall also be recorded. Uncontested adoption hearings held in the lobby need not be recorded.

(2) A copy of the original recording or any portion thereof may be requested by counsel or by litigants or by an agency party to the proceedings within one year of the date the proceedings are recorded, provided that failure to request said copy seasonably shall not be grounds for the delay of subsequent proceedings. Upon motion for good cause shown, the court may extend the time period within which a copy may be requested. The copy shall consist of a cassette copy of the original recording, or such portion thereof as is requested, which copy shall be produced pursuant to such process and procedure as is prescribed by the Chief Administrative Justice of the Trial Court and the Chief Justice of the Probate and Family Court, and which shall be playable on standard cassette devices designed for home or office use. Said request for a cassette copy of an original court proceeding shall be filed with the Register of the Probate and Family Court in the division in which the case was heard. Such request shall be on a form prescribed by the Chief Justice of the Probate and Family Court. Any person making such a request shall, in advance, notify all parties of the intention to make said request, to the end that multiple requests shall be made simultaneously wherever possible. The cost of said cassette copy, which shall be prepaid, shall be determined by the Chief Administrative Justice pursuant to G.L. c. 262, § 4B, plus postage, except that there shall be no cost for a cassette copy produced for the use of the court. Sections 27A through 27G of Chapter 261 of the General Laws shall be deemed applicable to a request by or on behalf of an allegedly indigent party and the cost of a cassette copy shall be deemed an “extra cost” as defined in said section 27A.

(3) A cassette copy shall, upon request as aforesaid, be made available to any party to a proceeding so recorded or to his counsel of record. A cassette copy may be made available to any other interested person or interested agency in the discretion of the judge who presided over the proceedings. After the submission by said person or agency of a request in writing setting forth the basis of the request and the specific use to be made of the cassette copy, said request is to be acted upon promptly, and any denial thereof or undue delay in obtaining a copy may be referred to the Chief Justice of the Probate and Family Court.

(4) A cassette shall not be erased or tampered with nor its labels removed or defaced as long as the matter recorded is pending in any court or is subject to or the subject of appellate review. A cassette which is thereafter erased shall be erased in its entirety. No cassette shall be erased until a period of three years has expired from the date of the original recording. Duplication of a cassette is expressly prohibited except where specifically authorized by the presiding justice of a Probate and Family Court, the Chief Justice of the Probate and Family Court, or the Chief Administrative Justice of the Trial Court, as the case may be.

(5) A copy of a cassette or a copy of any portion of the material contained in a cassette shall not be used for a commercial purpose, for the purpose of public or private entertainment or amusement or for any other purpose

n APPENDIX

detrimental to the administration of justice. A cassette copy of an original recording of a proceeding from which the public was excluded shall be deemed confidential and subject to such additional restrictions with regard to its use as may be prescribed by the judge who presided over the session so recorded.

(6) All persons receiving a cassette copy shall comply with the provisions of sections (4), (5) and (6) of this rule and shall be subject to the imposition of appropriate sanctions for noncompliance, including contempt proceedings. It shall be the responsibility of a person requesting a copy of a cassette from the Register of Probate to take all necessary and reasonable precautions to prevent any incident of noncompliance with said sections, including but not necessarily limited to notifying persons who are permitted to use said copy of the provisions of said sections.

Rule 202 APPOINTMENT OF STENOGRAPHERS

Request for the appointment of a stenographer to take the testimony at a trial for the purpose of reporting the testimony on appeal to the Supreme Judicial Court shall be given to the Register in writing not later than forty-eight hours before trial. If trial is canceled at the request of either party, cost of the stenographer may be assessed by the presiding Judge unless twenty-four hours' notice in writing is given to the Register to cancel the request for the stenographer.

Comment: This restates Probate Rule 18.

Rule 203 EXHIBITS

Exhibits which are placed in the custody of the Register shall be retained by him for one year after the final trial or hearing at which they were used, unless sooner delivered to the parties or counsel to whom they were respectively presented or introduced. If in doubt as to the party or counsel or order of the Court, before delivery. The Register may destroy or discard such exhibits, but not earlier than thirty days after notice by him to the party presenting or introducing such exhibits, requesting him to remove them, nor earlier than one year after such trial or hearing.

Comment: This rule restates Probate Rule 26.

Rule 204 PRINTING OF FORMS

The Chief Judge of Probate shall, with the advice of the Administrative Committee, prescribe and promulgate uniform probate forms and shall designate the specifications under which such forms may be printed.

Comment: This rule restates Probate Rule 29C.

CHAPTER XIII. RESERVED

CHAPTER XIV. DOMESTIC RELATIONS SPECIAL RULES

Rule 401 FINANCIAL STATEMENT

(a) Except as otherwise ordered by the court, each party to a divorce or separate support action or any other action where financial relief is requested, shall file with the court and shall deliver to the other party within forty five (45) days from the date of the service of the summons, a complete and accurate financial statement showing, insofar as possible, the assets, liabilities and current income and expenses of both parties and children involved in the case. The form of the financial statement which each party must complete is dependent upon his or her income. Except as otherwise ordered by the court, a party whose income equals or exceeds \$75,000.00 must complete the long form financial statement. A party whose income is less than \$75,000.00 must complete the short form financial statement.

(b) In the event a hearing on a motion for temporary orders, or a pretrial conference is scheduled by either party prior to the expiration of the 45 day period, financial statements by both parties shall be filed with the court and

exchanged between the parties no later than two (2) business days prior to the hearing or the conference without the necessity of a request for such statements.

(c) The form of the financial statement shall be determined from time to time by the probate judges of the Commonwealth. The judges of the probate courts may require from time to time during the pendency of a separate support or divorce action, or in any action involving a financial order, a new financial statement containing current information as to the assets, liabilities, current income and expenses of the parties and any children involved in the litigation.

(d) The financial statement or new financial statement, as the case may be, shall be impounded or kept separate from other papers in the case and shall not be available for public inspection, but shall be available to the court, the attorneys (whose appearances are entered in the case), the parties to the case, the registers, assistant registers, members of the Probation Department of the probate courts and to employees of the Massachusetts Department of Revenue, where necessary.

(e) All financial statements shall be signed by the party filing the same and shall be subject to the pains and penalties of perjury.

(f) Either party in a contested matter may request the other party, upon ten (10) days' notice, in the form of a separate request titled "Request for a Financial Statement" to furnish a signed, current financial statement to the court with a copy of the financial statement to the requesting party. No further request may be made within ninety (90) days of a prior request except by order of the court.

(g) All sanctions available to a party under Rule 37 of the Massachusetts Rules of Domestic Relations Procedure and any other sanction that the court may deem appropriate shall be available to compel compliance with this rule and such sanctions shall be ordered by the court except for good cause shown.

REPORTER'S NOTES—1997

The amended Rule 401 requires financial statements to be exchanged automatically between the parties within forty-five (45) days from the date of the service of the summons or when the matter first comes before the court. The amended rule also provides that in the event a hearing or conference is scheduled by either party before the expiration of the forty-five (45) day period, then both parties must file and exchange financial statements no later than two (2) business days prior to the hearing or conference.

The form of the financial statement which each party must complete is now dependent upon each party's level of income. If a party's income is less than \$75,000.00, they would complete the short form financial statement. If the party's income equals or exceeds \$75,000.00 they would complete the long form financial statement. The income is based on each individual's income, and not the combined income of the parties.

The amendment to Rule 401 also requires that requests for financial statements be made through a separate pleading entitled "Request for a Financial Statement". The time allowed to produce a financial statement on demand was expanded from 48 hours to ten (10) days. Sanctions for failure to comply with the rule are now mandatory, except for good cause shown.

Rule 402 ASSIGNMENT OF COUNSEL

If any party appears in court in a matter in which the laws of the Commonwealth or the rules of the Supreme Judicial Court establish a right to be represented by counsel, the judge shall follow the procedures established in G.L. c. 211D and in Supreme Judicial Court Rule 3:10.

Rule 403
WAIVER OF FEES, EXPENSES AND OTHER PROVISIONS
FOR INDIGENT LITIGANTS

On the filing of a complaint for divorce, petition for annulment of marriage, or petition to determine the validity of a marriage, accompanied by a motion for action under this rule and an affidavit of the plaintiff which sets forth the income received for the family support and the expenses necessary to maintain the family, if it appears that the plaintiff is without sufficient funds to pay the entry fee, the court shall, after hearing, order the complaint or petition to be entered and the payment of the statutory fee and service of process fees to be waived. The court in such a case may order service of the order of notice, in a manner reasonably calculated to give notice to the defendant, as for example by a disinterested person or attorney, or by certified or registered mail. There shall be a return of service similarly calculated to establish the fact of service and the identity of the party served, and to show compliance with the order of the court. The court may order additional service and that any necessary expense thereof for a plaintiff without sufficient funds to be paid by the county (G.L. c. 213, sec. 8) to such extent as may be necessary to comply with constitutional requirements.

Rule 404
CHARGES OF ADULTERY OR CRIMINAL ACTS

Whenever adultery, any specific criminal act with a third person or allegations derogatory to the character or reputation of a third person are charged in a complaint, cross-complaint, answer, statement of objections, or other pleading, it shall be stated therein that the name of the person, hereinafter called the co-defendant, charged with committing adultery with one of the parties, is known or is not known to the pleader, but such person shall not be named.

If the name of the co-defendant is stated as known, the party making such allegation, upon the filing of such pleading, shall deliver to the register a motion to amend the pleading by inserting the name of the co-defendant, and his residence, if known, and he shall also deliver to the register at least one affidavit, other than those of counsel, or a duly certified court record, with an affidavit of identity, supporting the allegation, or he shall present such motion to a judge at an ex parte hearing, as provided by statute.

The motion with the affidavit or affidavits and certificates shall be sealed up by the register until presented by him or by counsel to a judge, who shall inspect the same and hold such ex parte hearing, if any, as he may deem proper, and shall grant the motion if he finds probable cause has been shown that the allegation is true.

If the motion is allowed, it shall be filed and an entry shall be made on the docket, "Motion to insert name of co-defendant allowed," and the affidavit or affidavits and certificates shall be sealed and returned to the register to be held for the inspection of parties, including the co-defendant and counsel of record, but for no others except by order of the court.

If the motion is denied, it shall be sealed by the judge with the affidavit or affidavits and certificates and returned to the register, to be held subject to the order of the court, and the register shall enter upon the docket, "Motion to insert name of co-defendant denied."

If the co-defendant is unknown at the time of filing the complaint or other pleading, but becomes known while the matter is pending, a motion shall thereupon be delivered to the register and further proceedings had as hereinbefore provided.

This rule shall be applicable to separate support and divorce proceedings.

Rule 405
NOTICE TO PERSON CHARGED WITH ADULTERY OR CRIMINAL ACT

When a complaint, cross-complaint, answer, or statement of objections to an absolute judgment charges adultery, any criminal act with a third person or allegations derogatory to the character or reputation of a third person, a notice of such complaint, cross-complaint, answer or statement of objections shall be mailed by registered or certified mail to such person at his last known address at least 14 days before the return day of process on such complaint, or

forthwith upon the filing of such answer or cross-complaint or statement of objections, or forthwith upon the amendment of the complaint so as to name such persons after the issuance of process. Such service by mailing shall be proved by affidavit containing a particular statement thereof, accompanied if practicable by the return receipt showing receipt of the copy sent by registered or certified mail. Such person shall be entitled to appear within 20 days after such return day or after the day of mailing such copy.

Rule 406
ALLOWANCE FOR FEES, COSTS AND EXPENSES

An application by a party for an allowance from the other party to prosecute or defend a complaint shall contain a statement that the party intends in good faith to defend or prosecute such complaint, and shall be accompanied by a certificate of the party's attorney that the attorney believes such statement to be true. The judge shall review the financial statements of the parties and other relevant evidence, including affidavits, and shall order an allowance, if appropriate, for counsel fees and necessary expenses. If such allowance is granted, it shall be paid as the court may direct.

Rule 407
SERVICE OF PROCESS

[Deleted effective February 12, 1979.]

Rule 408
DISMISSAL OF OLD DIVORCE CASES

On the Tuesday after the first Monday of July in each year, every complaint for divorce, nullity or affirmation of marriage which has remained upon the docket for one year preceding, without action shown upon the docket, shall be marked inactive by the Register.

The Register shall give notice thereof to all parties who have entered an appearance not later than the Tuesday after the first Monday of September next following.

If within one year after a case has been marked inactive, it has not been tried or heard on the merits or disposed of, it shall, unless the Court otherwise orders, be dismissed, without further notice or order, on the day following the expiration of said one year.

For cause shown the Court may dismiss cases at other times.

Rule 409
CASE MANAGEMENT CONFERENCE

(a) Conduct of Case Management Conference. Any party to any matter filed in the Probate and Family Court may request a case management conference forty-five (45) days after service of the complaint, with notice to the other side of said request, or the court may order a case management conference at any time. At the conference the court may:

- (1) explore the possibility of settlement;
- (2) identify or formulate (or order the attorneys to formulate) the principle issues and contentions; and
- (3) prepare (or order the attorneys to prepare) a discovery schedule and discovery plan that, if the court deems appropriate, might:
 - (i) identify and limit the volume of discovery available in order to avoid unnecessary or unduly burdensome or expensive discovery;
 - (ii) sequence discovery into two or more stages;
 - (iii) set time limits for the completion of discovery;

n APPENDIX

- (4) establish deadlines for filing motions and a time framework for their disposition;
 - (5) explore any other matter that the court determines is appropriate for the fair and efficient management of the litigation including but not limited to the use of Alternate Dispute Resolution (ADR) mechanisms.
- (b) **Obligation of Counsel to Confer.** Prior to the case management conference the court may require counsel for the parties to confer for the purpose of preparing a joint statement containing
- (1) an agenda of matters that one or more parties believe should be addressed at the conference; and
 - (2) a proposed schedule of deadlines and dates through trial. If no agreement is reached on said schedule, each party shall submit a proposed schedule.

This statement is to be filed with the court no later than five (5) business days prior to the case management conference.

- (3) certifications signed by counsel and by an authorized representative of each party affirming that each party and that party's counsel have conferred with a view to establishing a budget for the costs of conducting the full course - and various alternative course- of the litigation.
- (c) **Additional Case Management Conferences.** Nothing in this rule shall be construed to prevent the convening of additional case management conferences by the court as may be thought appropriate in the circumstances of the particular case. In any event, a conference should not be terminated without counsel being instructed as to when and for what purpose they are to return to the court.

Rule 410 MANDATORY SELF DISCLOSURE

(a) **Initial Disclosures.**

(1) Except as otherwise agreed by the parties or ordered by the court, each party shall deliver to the other within 45 days from the date of service of the summons the following documents:

(a) The parties' federal and state income tax returns and schedules for the past three (3) years and any non-public, limited partnership and privately held corporate returns for any entity in which either party has an interest together with all supporting documentation for tax returns, including but not limited to W-2's, 1099's, K-1, Schedule C and Schedule E.

(b) Statements for the past three (3) years for all bank accounts held in the name of either party individually or jointly, or in the name of another person for the benefit of either party, or held by either party for the benefit of the parties' minor child(ren).

(c) The four (4) most recent pay stubs from each employer for whom the party worked.

(d) Documentation regarding the cost and nature of available health insurance coverage.

(e) Statements for the past three (3) years for any securities, stocks, bonds, notes or obligations, certificates of deposit owned or held by either party or held by either party for the benefit of the parties' minor child(ren), 401K statements, IRA statements, and pension plan statements for all accounts listed on the 401 financial statement.

(f) Copies of any loan or mortgage applications made, prepared or submitted by either party within the last three (3) years prior to the filing of the complaint for divorce.

(g) Copies of any financial statement and/or statement of assets and liabilities prepared by either party within the last three (3) years prior to the filing of the complaint for divorce.

(2) The parties shall supplement all disclosures as material changes occur during the progress of the case. Neither party shall be permitted to file any discovery motions prior to making the initial disclosure as described herein.

(b) Unavailability of Documents

In the event that either party does not have any of the documents required pursuant to this Rule or has not been able to obtain them in a timely fashion, he or she shall state in writing, under the penalties of perjury, the specific documents which are not available, the reasons the documents are not available, and what efforts have been made to obtain the documents. As more information becomes available there is a continuing duty to supplement.

Rule 411
AUTOMATIC RESTRAINING ORDER

(a) The following automatic restraining order shall apply to both parties to a complaint for divorce or separate support. This automatic restraining order shall be effective with regard to the plaintiff upon the filing of the complaint by the plaintiff or the plaintiff's counsel and with regard to the defendant upon service of the summons and complaint or any other acceptance of service by the defendant.

After service of the complaint for divorce or separate support, on two (2) days' notice to the other party or on such shorter notice as the court may prescribe, a party may appear without thereby submitting his person to the jurisdiction of the court, and move to modify or dissolve the automatic restraining order and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

The following restraining order shall remain in effect during the pendency of the action, unless it is modified by agreement of the parties or by further order of the court.

(1) Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of any property, real or personal, belonging to or acquired by, either party, except: (a) as required for reasonable expenses of living; (b) in the ordinary and usual course of business; (c) in the ordinary and usual course of investing; (d) for payment of reasonable attorney's fees and costs in connection with the action; (e) written agreement of both parties; or (f) by Order of the Court.

(2) Neither party shall incur any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards;

(3) Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by Order of the Court.

(4) Neither party shall directly or indirectly cause the other party or the minor child(ren) to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect.

(b) The provisions of this automatic restraining order shall be issued over the signature of the Chief Justice of the Probate and Family Court Department and a copy thereof shall be served with every complaint to which it applies, except if personal service is not made as provided in Rule 4 and service is made by publication, said notice shall include a statement that an automatic restraining order has been issued pursuant to this rule. The provisions of this automatic restraining order need not be reprinted in said public notice.

(c) The automatic restraining order provided for under this rule is automatically vacated upon the entry of a judgment of divorce or separate support.

Adopted October 27, 1999, effective January 1, 2000.

Rule 412
JOINT PETITION FOR MODIFICATION OF CHILD SUPPORT JUDGMENT

In order to facilitate uncontested actions to modify a judgment for child support consistent with the Child Support Guidelines, the following uniform procedure is to be employed:

n APPENDIX

(a) The parties shall jointly file a Joint Petition for Modification of Child Support Judgment. Said Petition shall be accompanied by (1) complete and accurate financial statements signed by each party and counsel pursuant to Supplemental Probate Court Rule 401, with W-2's attached; (2) a complete and accurate child support guidelines worksheet, and; (3) if the child support is being paid by wage assignment, a complete order for support and health care coverage reflecting the child support amount agreed upon in the Petition.

(b) The Joint Petition for Modification of Child Support Judgment and accompanying documents shall be filed with the court. No party shall mark the Petition for hearing. In the event that the court believes that a hearing is necessary or helpful to a disposition of the Petition, the court will set the time and date for the hearing and will notify the parties within fourteen (14) days of the filing of the joint petition.

(c) A Joint Petition for Modification of Child Support Judgment which is not set down for hearing in accordance with paragraph (b) hereof will be decided on the papers filed in accordance with this rule within fourteen (14) days of the filing of the joint petition.

(d) The Joint Petition for Modification of Child Support Judgment if allowed by the court, will be entered in the State Case Registry pursuant to G.L. c. 119A, § 4.

Adopted June 5, 2003, effective September 2, 2003.

PART 2—STANDING ORDERS OF THE PROBATE AND FAMILY COURT

Standing Order

- 2-83 Individual calendar sessions
- 2-97 Service
- 2-99 Procedure for Submission and Disposition of Certain Motions
- 1-05 Standards for Category F Guardian ad Litem Investigators [see Chapter 10, Guardian ad Litem, **Exhibit 10A]**
- 2-05 Hampshire Division Parent Education Program for Never Married Parents
- 1-06 Case Management and Time Standards for Cases Filed in the Probate and Family Court Department
- 2-08 Impoundment of Guardian ad Litem Reports
- 3-08 Impoundment of Qualified Domestic Relations Orders, Domestic Relations Orders and Orders Commonly Known as *Mangiacotti* Orders
- 4-08 Parent Education Program Attendance

Standing Order 2-83

INDIVIDUAL CALENDAR SESSIONS

No division of the Probate and Family Court Department currently utilizing a master calendar system, so-called, shall implement an individual calendar system for any justice without the prior written approval of the Chief Justice of this department.

Divisions currently utilizing individual calendar systems may continue to do so, provided, however, that no such system shall be modified to include any judgeship established after July 1, 1982 without prior written approval of the Chief Justice of this department.

Standing Order 2-97

SERVICE

Service by facsimile or other electronic or telephonic transmittal is not service within the meaning of Mass. R. Dom. Rel. P. 5 unless expressly permitted by a specific rule for a specific purpose, by order of the court for cause shown, or pursuant to a written stipulation of the parties allowing for service by facsimile.

Standing Order 2-99

PROCEDURE FOR SUBMISSION AND DISPOSITION OF CERTAIN MOTIONS

Pursuant to Rule 78 of the Rules of Civil Procedure and Domestic Relations Procedure, the provisions of this Standing Order shall apply to all Motions for Reconsideration, Motions for Clarification of Orders or Judgments, Motions for New Trial, Motions to Amend Findings of Fact, Motions to Amend Conclusions of Law, Motions to Amend Judgments, and Motions for Relief from Judgment including Motions for Relief from Judgment Nisi.

(a) Submission of the Motion/Petition and Opposition Thereto.

(1) *Submission of Motion.* The moving party shall serve with the motion a copy of the order or judgment at issue and a concise statement of facts and law in support of why the motion should be granted. The statement shall be no longer than five (5) pages and shall be signed under the penalties of perjury.

All documents required to be served with the motion under paragraph (a)(1) of this Standing Order shall be filed with the court on the date of service or within five (5) days after service. Compliance with this paragraph is compliance with the “reasonable time” provisions of Mass. R. Civ. P. 5(d)(1) and Mass. R. Dom. Rel. P. 5(d)(1).

(2) *Submission of Statement in Opposition or Support of the Motion.* Except by leave of court, upon motion, within ten (10) days after service of the motion, the non-moving party(ies) opposing or supporting the motion may file and serve a concise statement of facts and law in opposition to or in support of the motion. Said statement shall be no

n APPENDIX

longer than five (5) pages, should explain why the motion should or should not be allowed, and shall be signed under the penalties of perjury.

(3) *Additional Papers.* With the exception of the certificate of service or, when applicable, the motion to extend the time for filing the statement in opposition or support of the motion provided for under paragraph (a)(2) of this rule, papers not served with the motion or statement in opposition or support may be filed only with leave of court.

(4) *Form of the Motion.* The words “Motion for Reconsideration of Order dated _____,” “Motion for Clarification of Order dated _____,” “Motion for New Trial Pursuant to Rule 59,” “Motion to Amend Findings of Fact dated _____ Pursuant to Rule 52(b),” “Motion to Amend Conclusions of Law dated _____ Pursuant to Rule 52(b),” “Motion to Amend Judgment dated _____ Pursuant to Rule 52(b) and Rule 59,” “Motion for Relief from Judgment dated _____ Pursuant to Rule 60,” shall appear clearly in the title of the motion. The moving party must also indicate in the title of the motion the name of the Justice who decided the original order or judgment.

(5) *Filing the Motion and Statement in Opposition or Support by Mail.* If the motion and/or the statement in opposition or support is filed by mail, the bottom left-hand corner of the envelope should clearly indicate the title of the motion:

MOTION FOR RECONSIDERATION
MOTION FOR CLARIFICATION OF ORDER
MOTION FOR CLARIFICATION OF JUDGMENT
MOTION FOR NEW TRIAL
MOTION TO AMEND FINDINGS OF FACT
MOTION TO AMEND CONCLUSIONS OF LAW
MOTION TO AMEND JUDGMENT
MOTION FOR RELIEF FROM JUDGMENT

(b) Hearing on Motion.

(1) *Marking.* No party shall mark the motion for hearing. No later than twenty (20) days from the date the motion is filed, the motion, supporting papers and any statement(s) of opposition or support shall be transmitted to the justice who decided the original order or judgment, unless the court has extended the time for filing the statement in opposition or support of the motion. In such case, the motion and supporting papers shall be transmitted to the justice who decided the original order or judgment within five (5) days from the date the certificate of service is filed with the court on the statement in opposition or support of the motion. In the event the court believes that a hearing is necessary or helpful to the disposition of the motion, the court will set the time and date for the hearing and will notify the parties of that date and time.

(2) *Request for Hearing.* If a party wishes to request a hearing on the motion, said request shall be filed and served with the motion or the statement in opposition or support of the motion. A request for a hearing shall set forth any statute, rule of court or case law which, in the opinion of the submitting party, mandates a hearing on the motion. After reviewing the motion, the statement in opposition or support of the motion, and the request for hearing, the court will determine whether a hearing should be held and, if a hearing is to be held, will notify the parties of that date and time. Failure to request a hearing shall be deemed a waiver of any right to a hearing afforded by statute, court rule or case law.

(c) **Disposition of Motion.** Motions which are not set down for hearing shall be decided on the written submissions filed in accordance with this order.

(d) **Sanction for Noncompliance.** Failure to comply with any and all of the provisions of this order may result in the Court’s refusal to entertain the motion and/or the imposition of sanctions and/or costs against a party or his/her counsel.

Standing Order 1-05
STANDARDS FOR CATEGORY F GUARDIAN AD LITEM INVESTIGATORS [reproduced as Exhibit 10A in Chapter 10, Guardian ad Litem]

Standing Order 2-05
HAMPSHIRE DIVISION PARENT EDUCATION PROGRAM FOR NEVER MARRIED PARENTS

“FOR THE CHILDREN”

This Court finds that the interests of the minor children of never-married parents appearing before it would be well served by educating the parents about children’s emotional needs and the effects of family-related litigation on child behavior and development.

IT IS HEREBY ORDERED THAT:

1. In the Hampshire Division of the Probate and Family Court Department, all parties to a Complaint to Establish Paternity, a Complaint for Custody/Support/Visitation, a Complaint for Modification or Contempt in any case involving visitation, custody or support of minor children of never-married parents filed on or after September 1, 2005, shall attend and participate in a three (3) hour education program known as *“For the Children”*. Complaints filed by the Department of Revenue shall be exempt from this requirement.
2. Attendance at the program is mandatory unless waived by the Court. Parties must register within sixty (60) days of service of the complaint and attend the next available session.
3. No Pre-Trial Conference or Trial will be held by the Court until the Court receives a certificate of attendance from the program or waives the attendance requirement. Nothing herein shall limit the judge or his or her designee from waiving this requirement.
4. The Court may waive the attendance requirement upon motion, with notice, for one or both parties. Waivers will be granted only upon a showing of chronic and severe violence which negates safe parental communication, language barriers, institutionalization or other unavailability of a party, or where justice otherwise indicates.
5. Sanctions may be imposed by the Court for a party’s failure to register with *“For the Children”* within sixty days of service of the complaint.
6. A pamphlet describing *“For the Children”* and including a copy of this Order shall be given to the plaintiff or his/her attorney upon the filing of a complaint involving minor children as set forth above. The plaintiff or his/her attorney shall serve a copy of the pamphlet along with the complaint and summons to the person authorized to make service according to Mass. R. Dom. Rel. P. 4(c).
7. The parties shall each pay \$50.00 to *“For the Children”* in advance of the program to offset the cost of materials and facilitators.
8. A party may pay a reduced fee of \$5.00 to *“For the Children”* if that party has submitted and had allowed an *“Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs.”* This form is prescribed by the Chief Justice of the Supreme Judicial Court pursuant to G.L. c. 261, sec. 27B, promulgated March, 2003 and is available at the Registry of the Probate and Family Court. The party must submit a copy of the allowed form to *“For the Children”* when registering at a reduced fee of \$5.00.
9. Nothing herein shall be construed to limit the authority of any Probate and Family Court Justice sitting in the Hampshire Division to order parties to attend a parent education program in any case involving visitation, custody or support of minor children.
10. All information and materials submitted in conjunction with *“For the Children”* shall not be discoverable.
11. The parties to a particular case are prohibited from attending the same program session.

Adopted effective December 1, 2005.

**Standing Order 1-06
CASE MANAGEMENT AND TIME STANDARDS FOR CASES FILED IN THE PROBATE AND FAMILY
COURT DEPARTMENT**

PREAMBLE

The fair and efficient administration of justice requires that all cases and actions before the Probate and Family Court receive timely attention and action from the court. This requires that the judicial system dispose of cases as expeditiously as is consistent with care, fairness and sound decisions. It is the responsibility of the court to manage the process and disposition of the cases before the court. These time standards are intended to provide the Probate and Family Court with recognized goals for the timely disposition of cases.

These time standards represent aspirational goals to measure the movement of cases in the Probate and Family Court. Each case is unique and the Judges must, consistent with the rules of court and statutes, exercise sound judgment in such a manner as to provide the parties with a fair opportunity to be heard and to allow the court to achieve a reasoned disposition. Those individuals who appear before our courts have distinct needs that must be addressed on an individual basis, case by case. These time standards preserve discretion for judges to schedule individual cases according to the particular needs of the individuals involved.

These time standards recognize that there are many factors that determine the flow of cases in the Probate and Family Court which are not within the control of the court. These standards also recognize that the cases heard in the Probate and Family Court require consideration of the individual needs of the families who come before the court.

Accordingly:

1. GENERAL PROVISIONS

This Standing Order applies to all actions filed in the Probate and Family Court.

This Standing Order applies to all Divisions of the Probate and Family Court.

The timing for the completion of the case, from filing to trial, settlement, or dismissal, shall be calculated from the date of filing the petition or complaint.

At time of filing, all cases shall be assigned to a caseflow track according to the type of case. Most cases shall be assigned to one of the following tracks; 3–6 months to trial, 8 months to trial, or 14 months to trial.

2. TRACK ASSIGNMENT AND CASE MANAGEMENT

a. Track Assignment

At filing each case is assigned to a track.

The Plaintiff/Petitioner shall be provided with a Track Assignment Notice except as set forth below. The Plaintiff/Petitioner shall serve the Track Assignment Notice upon the Defendant/Respondent along with the summons or notice (citation). No service of the Track Assignment Notice will be required in cases where service is by publication.

No Track Assignment Notice shall be issued for cases in the 3–6 month track: Probate of Will, Administration, Accounts, Real Estate Sales, and Change of Name. No Track Assignment Notice shall be issued for cases described in sections 10 through 17 of this Standing Order. No Track Assignment Notice shall be issued at the time of filing for any case filed by the Department of Revenue, Child Support Enforcement Division.

The goals for completion of all cases filed in the Probate and Family Court are outlined in the chart in section 7(a) and in sections 10 through 17 of this Standing Order. A Judge, at any time, may change the track designation for a case and issue a new Track Assignment Notice.

b. Next Event Scheduling

At the conclusion of every court event, until a judgment has issued or the complaint has been dismissed, or until a permanent decree has issued or the petition has been dismissed, the Court shall schedule the next court event for the case.

Once a motion hearing, conference, or any other court event has been scheduled and placed on a court list, whether at the request of a party, a party's lawyer, the Register, or the Court, it can be removed from the list or continued only if a next court event is scheduled.

c. Case Management Conferences: Generally

Case Management Conferences will be scheduled by the court for the case types set forth in sections 2(d),(e), and (f) below, when a return of service, answer, objection, or counterclaim is filed and there is no future court event scheduled for the case.

In scheduling a case management conference, the Register shall issue a Case Management Conference Notice and Order in the format specified by the Chief Justice of the Probate and Family Court.

The purpose of the Case Management Conference is to establish the Court's control of the progress of the case, to provide early intervention by the Court, to offer Alternative Dispute Resolution processes, to establish discovery limitations and deadlines, to discuss settlement progress and opportunities for settlement, and to assign a date for the pre-trial conference, if needed.

d. Case Management Conference: Equity, Petition to Partition, and Domestic Relations, including Paternity (except Joint Petitions for Divorce, Joint Petitions for Modification and Complaint for Divorce filed under G.L. c. 208, § 1B).

Upon the filing of the return of service, answer, objection, or counterclaim, the Register shall review the case to determine if a future court event has been scheduled in the case. If no future court event has been scheduled, the Register shall schedule a Case Management Conference on the next available date, but no sooner than thirty (30) days from the filing of the return of service, answer, objection, or counterclaim. The Register shall send the Case Management Conference Notice and Order to all parties.

e. Case Management Conference: 1B Divorce, Guardianship and Conservatorship

All G.L. c. 208, § 1B Divorce Cases

The Register shall review the case one hundred twenty (120) days after the case is filed. If no return of service has been filed, and no answer, appearance, motion, or other paper has been filed by a defendant, the Register shall mail to the plaintiff a written notice of dismissal in accordance with section 3 of this Standing Order. If the return of service or an answer, objection, or counterclaim has been filed, but no future court event has been scheduled, a Case Management Conference shall be scheduled on the next available date, but no sooner than thirty (30) days from the filing of the return of service. The Register shall send the Case Management Conference Notice and Order to all parties.

Guardianship and Conservatorship Cases

The Register shall review the case one hundred twenty (120) days after the case is filed. If no future court event has been scheduled, the Register shall schedule a Case Management Conference on the next available date. The Register shall send the Case Management Conference Notice and Order to all parties. All temporary guardianships shall include an expiration date and a further hearing date. All guardianships with approval and authorization of an anti-psychotic medication treatment plan shall include an

expiration date and a review date, which may be the same date. All guardianships with authority to approve other extraordinary medical treatment shall include an expiration date for the authority.

f. Case Management Conference for Certain Probate Matters

A Track Assignment Notice shall not be issued at the time of filing for the cases assigned to the 3–6 Month Track: Probate of Will, Administration, Accounts, Real Estate Sales, and Change of Name. If a timely appearance in opposition or objection is filed in a case initially assigned to the 3–6 Month Track, the Register shall reassign the case to the 8 Month Track and issue to all parties a Track Assignment Notice. The Register shall also issue a Pre-Trial Notice and Order in the form specified by the Chief Justice of the Probate and Family Court with an established date for a Pre-Trial Conference unless another future court event has been scheduled. The date for the Pre-Trial Conference shall be after the return date, but no more than forty-five (45) days after the return date.

g. Case Management Conference conducted at Motion Hearing

If a motion, or other hearing, is scheduled and held prior to the date of the Case Management Conference, the Judge may conduct a Case Management Conference in connection with the motion hearing, even if there has been no notice of a Case Management Conference for that day, and may cancel any previously scheduled Case Management Conference, making sure to schedule a next event in the order on the motion or the order after Case Management Conference.

Motions shall not be heard at a scheduled Case Management Conference without prior approval of the Court. As a general rule, the discovery schedule and deadline and a Pre-Trial Conference date should be assigned the first time the case is before a Judge with both parties or counsel present.

h. Joint Stipulation on Case Management Conference

Counsel and pro se parties may, at any time after a complaint is filed, file a Joint Stipulation signed by counsel for each represented party and by each pro se party which, at a minimum, requests a pre-trial conference date and agrees to a specific date to be the discovery deadline for that case. The discovery deadline date shall be not more than 180 days after the date of filing of the complaint.

Counsel and pro se parties may, after receiving notice that a Case Management Conference has been scheduled, file, on or before the date of the Case Management Conference, a Joint Stipulation signed by counsel for each represented party and by each pro se party which, at a minimum, requests a pre-trial conference date and agrees to a specific date to be the discovery deadline for that case. The discovery deadline date shall be not more than 120 days after the date of filing of the Joint Stipulation. If the Joint Stipulation is filed prior to the time scheduled for the Case Management Conference, no one need appear for the Case Management Conference.

Upon the filing of such a Joint Stipulation, the Register shall schedule a pre-trial conference for the next available date not sooner than 14 days after the discovery deadline and issue a Pre-Trial Notice and Order in the form specified by the Chief Justice of the Probate and Family Court. The scheduled pre-trial conference is a “future court event” so that a Case Management Conference will not be automatically scheduled upon the 120 day review or upon the filing of a return of service, answer, objection or counterclaim.

i. Joint Requests to Continue Case Management Conference

Parties engaged in alternative dispute resolution may request an extension of a scheduled Case Management Conference date by filing a joint or assented to motion which attests that the parties are engaged in alternative dispute resolution and includes:

- the name of the alternative dispute resolution provider;
- the dates and number of sessions held and;
- the dates and number of future sessions scheduled.

All other joint requests to continue shall be by written motion stating detailed and specific reasons for the request. All motions shall include proposed dates for the rescheduling of the Case Management Conference. Joint or assented to motions shall be considered without an in person hearing, unless otherwise ordered by the Court. If the motion is allowed, the court shall reschedule the Case Management Conference and send notice to all parties.

j. Citations in Probate, Guardianship, Child Welfare, and Adoption Petitions

Unless all required assents are filed with a probate petition, including guardianship petitions, custody petitions under c. 119, and adoption petitions, the Register shall issue a citation no later than three (3) court days after the date of filing.

k. General Provisions

Nothing in this Standing Order precludes the marking of an earlier hearing date for a motion or other case event when appropriate.

The Court may schedule conferences, including Case Management, Pre-Trial and Status Conferences, as well as Trials, in its discretion.

Any party to any matter filed in the Probate and Family Court may request a Case Management Conference or Pre-Trial Conference after service of the complaint or petition, with notice to the other side of such request.

When a Case Management Conference is held, the conference will include discussion of all actions pending between the named parties. Other pending actions shall be scheduled for a future court event or shall be dismissed.

3. DISMISSAL FOR LACK OF SERVICE

The Register shall review all Domestic Relations and Equity cases 120 days after filing of the complaint to determine whether a return of service has been filed. If a return of service has not been filed, and no future court event has been scheduled, the Register shall issue a notice in a format specified by the Chief Justice of the Probate and Family Court. The notice shall inform the plaintiff that, because no return of service has been filed to show that service was made within 90 days of filing as required by Mass. R. Civ. P./Mass. R. Dom. Rel. P. 4(j), the case will be dismissed 21 days after the date of the notice unless the plaintiff files the return of service showing that service was made within ninety (90) days after the filing of the complaint or unless within those twenty-one (21) days, the plaintiff files and has scheduled a motion for extension of time which shows good cause why service was not made within ninety (90) days after the filing of the complaint.

4. CONDUCT OF CASE MANAGEMENT CONFERENCE

a. Counsel and/or Parties Encouraged to Confer.

Prior to the Case Management Conference, counsel and/or parties are encouraged to confer for the purpose of agreeing on a proposed schedule of deadlines and dates through trial.

If a domestic violence restraining order (G.L. c. 209A) or a domestic violence protective order (G.L. c. 208) has been issued for one party against the other, then the parties are not expected to confer. The Case Management Conference shall still be held.

b. At a Case Management Conference the Court may:

- (1) explore the possibility of settlement including but not limited to exploring the use of Alternate Dispute Resolution (ADR) processes;
- (2) identify or formulate (or order attorneys or parties to formulate) the principal issues and disputes;

n APPENDIX

- (3) prepare (or order attorneys or parties to prepare) a discovery schedule including discovery parameters and deadlines;
- (4) establish deadlines for filing motions, including but not limited to motions for summary judgment and a time frame for their disposition;
- (5) explore any other matters that the court determines appropriate for the fair and efficient management of the litigation;
- (6) hear the case on an uncontested basis if settlement has been achieved, or if no appearance or answer is filed after service and return of service and there is no opposition; or
- (7) dismiss the case if no parties are present for the Case Management Conference or if the plaintiff or petitioner is not present.

c. Next Event Scheduling

At the Case Management Conference, the next court date shall be assigned unless a judgment or permanent decree is issued or the case is dismissed.

d. Requirement to Appear

Counsel and parties, or parties alone if not represented by counsel, shall be required to appear at the Case Management Conference, except as provided in section 2(h) above. The Court, in its discretion, may waive the requirement for the appearance of the parties if they are represented by counsel. The Court may conduct Case Management Conferences by telephone, in its discretion.

e. Sanctions for Failure to Appear.

The court may impose sanctions for failure to attend the Case Management Conference without good cause, including dismissal, or may hear the case as if it were uncontested.

5. ALTERNATE DISPUTE RESOLUTION SERVICES

When appropriate, cases may be referred to:

- a. Probation Officers for dispute intervention services in contested matters at any court event; or
- b. Other approved providers of court connected dispute resolution services as defined in S.J.C. Rule 1:18, Uniform Rules on Dispute Resolution.

6. CHANGES TO TRACK ASSIGNMENT AND RESCHEDULING OF SCHEDULED EVENTS

- a. A party may file and serve a motion requesting a change in track assignment or rescheduling of scheduled events. Changes in track assignment or rescheduling of scheduled events shall be allowed only at the discretion of the Judge. A Probation Officer, in connection with an investigation, may file and serve on all parties a motion requesting a change in track assignment or rescheduling of scheduled events.
- b. Motions to continue a trial may be allowed, only for good cause shown, with notice and hearing, in accordance with Mass. R. Dom. Rel. P. 40(b) and Mass. R. Civ. P. 40(b).
- c. All requests for rescheduling shall include proposed future dates. No action shall be “continued generally.” Any rescheduling shall be to a date and event certain.
- d. In cases involving allegations or a history of domestic violence, or a prior or current abuse prevention order, the Judge shall take into account the safety of alleged victims and victims and the reduction of

conflict when considering any requests for changes in track assignment or rescheduling of scheduled events.

7. ASSIGNMENT TO TRACKS:

- a. At filing, all Probate, Equity, Domestic Relations (including Paternity) cases (except Joint Petitions for Divorce, Joint Petitions for Modification of Child Support, and Complaints for Contempt, which shall be heard as outlined in sections 10 through 12) shall be assigned to a track according to the chart below:

3–6 Month Track ¹	8 Month Track	14 Month Track
Probate of Wills and Administration of Estates	Complaint to Establish Paternity	Complaint for Divorce
Accounts	Complaint for Custody, Visitation, and Support (Paternity)	Complaints in Equity
All Other “Probate” except Guardianships and Conservatorships	Complaint for Modification (except Joint Petition for Modification of Child Support)	Petitions to Partition
Real Estate Sales	Probate-Guardianships Conservatorships	Other “Divorce” Case Types (except Joint Petition for Divorce)
Change of Name	Complaint for Separate Support	
	Other Paternity Case Types	

- b. G.L. c. 209A Complaints and G.L. c. 19A Petitions for Protection from Abuse, cases concerning the custody of children under G.L. c. 119, § 23A, G.L. c. 119, § 23C, and G.L. c. 210, § 3, and Adoptions shall be heard as outlined below in sections 13 through 17.
- c. Assignment to a track indicates the maximum amount of time in which a case should be tried, settled, or dismissed. Most cases should be tried, settled, or dismissed before the maximum time period of the track.
- d. There may be extraordinary cases which cannot be disposed of within the time frames set forth in their track designations.
- e. The Register shall issue a Track Assignment Notice for each case in the 8 month and 14 month tracks, except as outlined in section 2 (a) of this Standing Order, in a format specified by the Chief Justice of the Probate and Family Court. The Track Assignment Notice shall reflect the time requirements for each track.

8. CONDUCT OF PRE-TRIAL CONFERENCES

- a. The Pre-Trial Conference shall be conducted in accordance with Rule 16 of the Massachusetts Rules of Domestic Relations Procedure or the Massachusetts Rules of Civil Procedure.
- b. In scheduling a Pre-Trial Conference the court shall issue a Pre-Trial Notice and Order in a format specified by the Chief Justice of the Probate and Family Court.

¹ As described in section 2(f) above, if a case assigned to this track becomes contested due to the filing of an appearance and, if required, objections, the Register shall change the track designation to an 8 month track.

n APPENDIX

- c. If a case is not resolved at the Pre-Trial Conference, an Order After Pre-Trial Conference shall be issued which shall include provisions specified by the Chief Justice of the Probate and Family Court, and may also include additional provisions at the discretion of the Judge conducting the Pre-Trial Conference.

9. SEQUENTIAL TRIAL DAYS

When trial dates are originally assigned, they shall be scheduled on days as close to sequential trial days as the calendar of the trial Judge permits. When trials are not completed in the number of days originally scheduled, the Court shall schedule the remaining trial days as soon as possible using the earliest available trial days, with the goal of minimizing intervals between trial days.

10. TRACK FOR COMPLAINTS FOR CONTEMPT

At time of filing, a summons shall issue with the date for the contempt hearing. The hearing date shall be set for no later than twenty-eight (28) days from the date of filing.

11. JOINT PETITIONS FOR DIVORCE UNDER G.L. c. 208, § 1A

All Joint Petitions for Divorce shall be scheduled for hearing within thirty (30) days of filing of all required documents.²

12. JOINT PETITION FOR MODIFICATION OF CHILD SUPPORT

Pursuant to Probate and Family Court Supplemental Rule 412 and Protocol, these cases shall be decided on the pleadings without hearing, within fourteen (14) days of filing, unless otherwise ordered by the Court. If a hearing is ordered by the Court, the Court shall set the time and date for the hearing and shall notify the parties within fourteen (14) days of the filing of the joint petition.

13. G.L. c. 209A COMPLAINT FOR PROTECTION FROM ABUSE

All proceedings pursuant to G.L. c. 209A shall be processed in accordance with the existing statutory time requirements and each order shall specifically state the next hearing date and expiration date of the order, unless the order is permanent. If the order is permanent, it shall so specify.

14. COMPLAINTS FOR PROTECTION FROM ELDER AND DISABLED ABUSE, G.L. c. 19A, § 20, G.L. c. 19C, § 7

An initial hearing shall be held within fourteen (14) days of the filing of a petition. Emergency hearings may be held with at least twenty-four (24) hours notice to the elderly or disabled person. The court may dispense with notice upon finding that immediate and foreseeable physical harm to the individual or others will result from the twenty-four (24) hour delay and that reasonable attempts have been made to give notice.

15. TRACK FOR PETITIONS FILED PURSUANT TO G.L. c. 210, § 3 AND PETITIONS FILED PURSUANT TO G.L. c. 119, § 23C

- a. If the Petition is uncontested, due to the assent of all parties or completion of proper notice, with no appearance in opposition filed, the Register shall, within fourteen (14) days of the return date, notify the petitioners that the case is uncontested, and schedule an uncontested hearing within 30 days of the return date. For cases filed under G.L. c. 210, § 3, an adoption plan shall be filed, in accordance with Uniform Probate Court Practice X prior to the hearing date.
- b. If, by virtue of an appearance the case is contested, the Register shall issue a Track Assignment and Scheduling Notice for a Case Management Conference to be held not more than thirty (30) days after the return date.

² If a case is ready for hearing at time of filing, a hearing shall be scheduled within 30 days. If a case is uncontested at time of filing, but incomplete, the case shall be scheduled for hearing within thirty (30) days of the date of filing all required documents.

- c. At the Case Management Conference, referral to Permanency Mediation shall be considered and a Pre-Trial Conference shall be scheduled for a date within seventy-five (75) days of the Case Management Conference. At the Pre-Trial Conference, a trial date shall be set for no later than one hundred twenty (120) days from the date of the Pre-Trial Conference.
- d. If a sua sponte or ex parte custody order under c. 119, § 23C is issued, the Court shall schedule a hearing within 72 hours of the sua sponte or ex parte custody order, unless a prior evidentiary hearing has been held. Notice shall be given to all parties and counsel.

16. TRACK FOR ADOPTION PETITIONS

- a. If a Petition is filed as uncontested, due to the filing of necessary surrenders or termination decrees, and notice is not required, a hearing shall be scheduled within thirty (30) days of the filing of the Petition.³
- b. If a timely appearance is filed, a Case Management Conference shall be scheduled for not more than thirty (30) days after the return date.
- c. At the Case Management Conference, a Pre-Trial Conference shall be scheduled for a date within seventy-five (75) days of the Case Management Conference. At the Pre-Trial Conference, a trial date shall be set for no later than one hundred twenty (120) days from the date of the Pre-Trial Conference.

17. PETITIONS FILED PURSUANT TO G.L. c. 119, § 23(A), VOLUNTARY PLACEMENT WITH DEPARTMENT OF SOCIAL SERVICES

At time of filing, all petitions filed pursuant to G.L. c. 119, § 23(A) shall be scheduled for hearing within thirty (30) days.

18. ISSUANCE OF TEMPORARY ORDERS

Temporary orders shall be issued as expeditiously as possible, but in no event more than fourteen (14) days from the conclusion of the hearing, or the receipt by the court of all written submissions. On motions for summary judgment, orders shall be issued within thirty (30) days of the conclusion of the hearing, or the receipt by the court of all written submissions.

19. ISSUANCE OF JUDGMENT OR DECREE

Except as otherwise indicated in this Standing Order, or with notice to the Chief Justice of the Probate and Family Court, and counsel or parties, the judgment or decree shall be issued as follows:

<u>Trial Time</u>	<u>Entry of Judgment or Decree</u>
One day or less	Within 30 days of the conclusion of the trial
Two days	Within 60 days of the conclusion of the trial
Three to Seven days	Within 90 days of the conclusion of the trial
Exceeds Seven days	Within 120 days of the conclusion of the trial

Adopted effective April 3, 2006.

Standing Order 2-08 IMPOUNDMENT OF GUARDIAN AD LITEM REPORTS

Unless otherwise ordered by the court, all guardian ad litem reports except those filed in cases involving accounts, licenses to sell and estate plans are impounded. As used herein, “impounded” shall mean the act of keeping the

³ If a case is ready for hearing at time of filing, a hearing shall be scheduled within 30 days. If a case is uncontested at time of filing, but incomplete, the case shall be scheduled for hearing within thirty (30) days of the date of filing all required documents.

n APPENDIX

guardian ad litem report separate and unavailable for public inspection. The reports shall be kept in the Registry of Probate unless otherwise determined by the First Justice. The following procedure will be followed:

1. Upon filing with the court, guardian ad litem reports shall be kept separate from the case file and unavailable for public inspection. Access to inspect the impounded reports shall be limited to the court, the attorney(s) of record, if any, and the party(ies), unless otherwise ordered by the court. Where appropriate, the court may instruct the guardian ad litem to send a copy of a report to the attorney(s) of record or the parties.
2. Unless otherwise ordered by the court, the attorney(s) of record, if both parties are represented by counsel, shall be entitled to receive a copy of a report. If a party wishes to obtain a copy of the report, the party or their attorney must file a Motion with the Court. If a party is unrepresented by counsel and wishes to obtain a copy of the report, they must file a Motion with the Court. The attorney(s) of record or the party(ies) who are authorized to have a copy of the guardian ad litem report:
 - a. Shall make no further copies of the report for use outside of counsel's office except as provided below;
 - b. Shall not show the report to any person except, to his or her client or, to an expert engaged or consulted regarding the case;
 - c. Shall, in the case of an attorney, return the copy of the report to the court upon withdrawal or conclusion of the case, and in the case of a party, return the copy of the report to the court at the conclusion of the case,
 - d. Shall comply with such conditions as the Trial Judge may impose.
 - e. May provide a copy to an expert engaged or consulted on the case, provided the expert certifies in writing that he or she will be bound by this Standing Order, and;
 - f. Shall not provide a copy to his or her client except upon the allowance of a motion.
3. In accordance with Trial Court Rule IX, Rule 2, Uniform Rules on Subpoenas to Court Officials, the Register shall not provide a copy of an impounded guardian ad litem report to a person who is not a party to the case.
4. Relief from impoundment may be sought by Motion supported by affidavit, and may be granted after notice by the court only upon written findings.
5. Service of the Motion for Relief from Impoundment and affidavit shall be made on all parties in accordance with Rule 5 of the Massachusetts Rules of Domestic Relations Procedure. The time periods for hearing shall be as set forth in Rule 6 of the Massachusetts Rules of Domestic Relations Procedure.
6. The attorney(s) of record, if any, or the party(ies) if unrepresented by counsel, shall receive a copy of this Standing Order when they are notified in writing by the Court in accordance with Standing Order 2-98 that a report has been filed and is available for inspection.

Standing Order 3-08

IMPOUNDMENT OF QUALIFIED DOMESTIC RELATIONS ORDERS, DOMESTIC RELATIONS ORDERS AND ORDERS COMMONLY KNOWN AS *MANGIACOTTI* ORDERS

Unless otherwise ordered by the court, all qualified domestic relations orders, domestic relations orders and orders issued pursuant to *Contributory Retirement Board of Arlington v. Mangiacotti*, 406 Mass. 184 (1989) are impounded. As used herein, "impounded" shall mean the act of keeping the orders separate and unavailable for public inspection. The following procedure will be followed:

1. Upon filing with the court, the orders shall be kept separate from the case file and unavailable for public inspection. Access to inspect the impounded orders is limited to the court, the attorney(s) of record, if any, and the party(ies), unless otherwise ordered by the court.

2. In accordance with Trial Court Rule IX, Rule 2, Uniform Rules on Subpoenas to Court Officials, the Register shall not provide a copy of the impounded orders to a person who is not a party to the case.
3. Relief from impoundment may be sought by Motion supported by affidavit, and may be granted after notice by the court only upon written findings.
4. Service of the Motion for Relief from Impoundment and affidavit shall be made on all parties in accordance with Rule 5 of the Massachusetts Rules of Domestic Relations Procedure. The time periods for hearing shall be as set forth in Rule 6 of the Massachusetts Rules of Domestic Relations Procedure.

Adopted effective March 10, 2008.

Standing Order 4-08
PARENT EDUCATION PROGRAM ATTENDANCE

This court finds that the interests of the minor children of parties appearing before it would be well served by educating their parents about children's emotional needs and the effects of divorce on child behavior and development.

IT IS HEREBY ORDERED THAT:

1. All parties to a divorce action in which there are minor children, are ordered to attend and participate in an approved Parent Education Program (hereinafter, program) except as herein provided. This requirement applies to divorces brought under Ch. 208 sec. 1 (fault divorces); and Ch. 208 secs. 1A and 1B (irretrievable breakdown) and as ordered by a judge of this court in an action to establish paternity, complaints for modification or contempt or in any case involving visitation, custody, or support of minor children.
2. Attendance at an approved program is mandatory for parties to such actions unless waived by the court. Parties must register with an approved provider within sixty days (60) days of service of the original complaint upon the original defendant and attend the next available session.
3. No Pre-trial Conference or Trial will be held by the court until the court receives a certificate of attendance from an approved program for each party, or waives the requirement. An uncontested divorce hearing may be scheduled pending attendance if the parties file confirmations of registration with the court and so long as both parties complete the program prior to the hearing. A Pre-Trial Conference in a contested case may be similarly scheduled so long as the parties complete the program prior to the Pre-Trial Conference.
4. The court may waive the attendance requirement upon motion, with notice, for one or both parties. Waivers will only be granted upon a demonstrable showing of chronic and severe violence which negates safe parental communication; language barriers; institutionalization or other unavailability of a party; failure of the other party to complete a program; unavailability of an approved program in the county in which the original divorce brought under Ch. 208 sec. 1 and Ch. 208 secs. 1A and 1B was filed; or where justice otherwise indicates.
5. Sanctions for failure to register with an approved program within sixty (60) days of service of the original complaint upon the original defendant may be imposed by the court.
6. The parties must attend programs approved by the Chief Justice of the Probate and Family Court. Attendance at an approved program, wherever held within the Commonwealth, is permissible. Programs which are not approved by the Chief Justice will not satisfy the attendance requirement. Program vendors will ensure that parties to an action do not attend the same session of any program. Lists of approved programs shall be available at all Registries of Probate and at <http://www.state.ma.us/courts/courtsandjudges/courts/probateandfamilycourt/selfhelp.html>
7. A pamphlet entitled *Parent Education Programs: Understanding the Effect of Divorce on Children*, which lists the approved program providers shall be given to the plaintiff or his/her attorney upon the filing of a complaint for divorce involving minor children. The plaintiff or his/her attorney shall serve a copy of said pamphlet along with the complaint and summons to the person authorized to make service pursuant to Mass. R. Dom. Rel. P. 4(c).

n APPENDIX

8. The parties shall each pay \$80.00 to the provider in advance of the program to offset the cost of materials and facilitators.

9. A party may pay a reduced fee of \$5.00 to the provider if that party has submitted and had allowed an **“Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs.”** This form is prescribed by the Chief Justice of the Supreme Judicial Court pursuant to G.L. c. 261, § 27B, promulgated March, 2003 and is available at the Registry of the Probate and Family Court. The party must submit a copy of this form to the provider when registering for a program at a reduced fee of \$5.00.

10. Nothing herein shall be construed to limit the authority of any Probate and Family Court justice to order parties to attend an approved program in any case involving visitation, custody, or support of minor children.

11. All information submitted in compliance with the research component of the program shall be the work product of the Probate and Family Court Administrative Office. The material is for research purposes only and shall not be discoverable.

PART 3—CHILD SUPPORT GUIDELINES

COMMONWEALTH OF MASSACHUSETTS
THE ADMINISTRATIVE OFFICE
OF THE
TRIAL COURT
BOSTON 02108

CHILD SUPPORT GUIDELINES

The attached CHILD SUPPORT GUIDELINES supersede any previous Guidelines and are effective February 16, 2006.

Robert A. Mulligan
Chief Justice for
Administration
and Management

**COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE
OF THE TRIAL COURT
CHILD SUPPORT GUIDELINES**

THERE SHALL BE A PRESUMPTION THAT THESE GUIDELINES APPLY IN ALL CASES SEEKING THE ESTABLISHMENT OR MODIFICATION OF A CHILD SUPPORT ORDER. A SPECIFIC, WRITTEN FINDING THAT THE GUIDELINES WOULD BE UNJUST OR INAPPROPRIATE AND THAT THE BEST INTERESTS OF THE CHILD HAVE BEEN CONSIDERED IN A PARTICULAR CASE SHALL BE SUFFICIENT TO REBUT THE PRESUMPTION IN THAT CASE. THESE GUIDELINES APPLY TO CURRENT CHILD SUPPORT ONLY. THEY DO NOT APPLY TO ALIMONY, THE DIVISION OF MARITAL PROPERTY, THE PAYMENT OF ARREARS, RESTITUTION, OR REIMBURSEMENT.

THESE REVISED GUIDELINES, IN AND OF THEMSELVES, DO NOT CONSTITUTE A SUFFICIENT CHANGE OF CIRCUMSTANCES TO WARRANT A MODIFICATION OF THE CHILD SUPPORT ORDER.

The child support guidelines are formulated to be used by the justices of the Trial Court, whether the parents of the children are married or unmarried, in setting temporary, permanent or final orders for current child support, in deciding whether to approve agreements for child support, and in deciding cases that are before the court to modify existing orders. A modification may be allowed upon showing a discrepancy of 20% or more between an established order and a proposed new order calculated under these guidelines. The presumption establishing a proposed new order may be rebutted in cases where the amount of support required under the guidelines is due to the fact that the amount of the current support order resulted from a rebuttal of the guideline amount and there has not been a change in the circumstances which resulted in a rebuttal of the guideline amount. The guidelines are intended to be of assistance to members of the bar and to litigants in determining what level of payment would be expected of them given the relative income levels of the parties. In all orders where an order for child support is requested, a guideline worksheet must be filled out, regardless of the income of the parties.

In establishing these guidelines, due consideration has been given to the following principles:

- 1) To minimize the economic impact on the child of family breakup;
- 2) To encourage joint parental responsibility for child support in proportion to, or as a percentage of income;
- 3) To provide the standard of living the child would have enjoyed had the family been intact;
- 4) To meet the child's survival needs in the first instance, but to the extent either parent enjoys a higher standard of living to entitle the child to enjoy that higher standard;
- 5) To protect a subsistence level of income of parents at the low end of the income range whether or not they are on public assistance;
- 6) To take into account the non-monetary contributions of both the custodial and non-custodial parents;
- 7) To minimize problems of proof for the parties and of administration for the courts; and
- 8) To allow for orders and wage assignments that can be adjusted as income increases or decreases.

I. INCOME DEFINITION

A. For purposes of these guidelines income is defined as gross income from whatever source. Those sources include, but are not limited to, the following:

- 1) salaries and wages, including overtime and tips, and income from self-employment, except in certain instances, see B below;

- 2) commissions;
 - 3) severance pay;
 - 4) royalties;
 - 5) bonuses;
 - 6) interest and dividends;
 - 7) income derived from business/partnerships;
 - 8) social security;
 - 9) veterans' benefits;
 - 10) insurance benefits, including those received for disability and personal injury;
 - 11) workers' compensation;
 - 12) unemployment compensation;
 - 13) pensions;
 - 14) annuities;
 - 15) income from trusts;
 - 16) capital gains in real and personal property transactions to the extent that they represent a regular source of income;
 - 17) spousal support received from a person not a party to the order;
 - 18) contractual agreements;
 - 19) perquisites or in kind compensation to the extent that they represent a regular source of income;
 - 20) unearned income of children, in the court's discretion;
 - 21) income from life insurance or endowment contracts;
 - 22) income from interest in an estate, either directly or through a trust;
 - 23) lottery or gambling winnings received either in a lump sum or in the form of an annuity;
 - 24) prizes or awards;
 - 25) net rental income; and
 - 26) funds received from earned income credit.
- B. In individual cases, the court may choose to disregard overtime income or income derived from a second job. However, consideration of such income may be appropriate in certain instances such as those where such income constituted a regular source of income when the family was intact.

II. FACTORS TO BE CONSIDERED IN SETTING THE CHILD SUPPORT ORDER

A. RELATIONSHIP TO ALIMONY OR SEPARATE MAINTENANCE PAYMENTS

So long as the standard of living of the children is not diminished, these guidelines do not preclude the court from deciding that any order be denominated in whole or in part as alimony or as a separate maintenance payment. It is the responsibility of counsel representing the parties to present the tax consequences of proposed orders to the court.

B. CLAIMS OF PERSONAL EXEMPTIONS FOR CHILD DEPENDENTS

In setting a support order, the court may make an order regarding the claims of personal exemptions for child dependents between the parties to the extent permitted by law.

C. MINIMUM AND MAXIMUM LEVELS

The guidelines recognize the principle that, in many instances, to maintain a domicile and a reasonable standard of living for the minor children, the custodial parent will choose to work. In those cases, a disregard of gross income of the custodial parent is to be applied up to a maximum of \$20,000. The formula in these guidelines is intended to be adjusted where the income of the custodial parent exceeds the \$20,000 disregard after consideration of day care expenses.

These guidelines are also intended to ensure a minimum subsistence level for those non-custodial parents whose income is less than \$100 per week. However, it is the obligation of all parents to contribute to the support of their children. To that end, in all cases, a minimum order of \$80.00 per month (\$18.46 per week) should enter. This minimum should not be construed as limiting the court's ability to set a higher order, should circumstances permit.

Where the court makes a determination that either or both of the parties is either purposely unemployed or underemployed, the section of these guidelines entitled ATTRIBUTION OF INCOME should be consulted.

These guidelines are not meant to apply where the combined gross income of the parties exceeds \$135,000 or where the gross income of the non-custodial parent exceeds \$100,000. In cases where income exceeds these limits, the court should consider the award of support at the \$100,000/\$135,000 level as a minimum presumptive level of support to be awarded. Additional amounts of child support may be awarded at the judge's discretion.

D. CUSTODY AND VISITATION

1) Custody

These guidelines are based upon traditional custody and visitation arrangements. Where the parties agree to shared physical custody or the court determines that shared physical custody is in the best interests of the children, these guidelines are not applicable. The guidelines also are not meant to apply to cases in which there is split physical custody, i.e., each parent has physical custody of one or more children.

2) Visitation

These guidelines recognize that children must be allowed to enjoy the society and companionship of both parents to the greatest extent possible. The court may adjust the amount of child support beyond the 2 percent range (see SECTION III (A), BASIC ORDER) after taking into consideration the parties' actual time sharing with the children and the relative resources, expenses, and living standards of the two households.

In some instances the non-custodial parent may incur extraordinary travel related expenses in order to exercise court ordered visitation rights. To foster parental involvement with the children, the court may wish to consider such extraordinary expenses in determining the support order.

E. CHILD CARE CREDIT

The basic child support obligation set out in the guidelines includes the non-custodial parent's share of child care expenses. Child care expenses are not seen as a separate support item and responsibility for them resides with the custodial parent.

The reasonable cost of child care (costs as defined by 26 U.S.C. § 21, I.R.C. § 21) actually paid is to be subtracted from the custodial parent's gross income before the disregard formula is applied.

F. AGE OF THE CHILDREN

To reflect the costs of raising children, age has been broken down into three groups: 0–12, 13–18, and over 18. A single adjustment to the basic order should be made based on the age of the oldest child for whom support is to be ordered. The support order where the oldest child is 12 or under should be the basic support order according to the schedule. Where the oldest child is between the ages of 13 and 18, the order should be increased by 10 percent of the basic order amount. For cases involving children over the age of 18, to the extent permitted by the General Laws, the amount of the order, if any, will be left to the court's discretion.

Where the parties file an agreement with the court that allows for private payment between the parties, it is suggested that the incremental age issue be addressed in the agreement.

G. HEALTH INSURANCE, UNINSURED, AND EXTRAORDINARY MEDICAL EXPENSES

1) Health Insurance

When the court makes an order for child support, the court shall determine whether the obligor under the order has health insurance on a group plan available to him/her through an employer or organization or has health insurance or other health coverage available to him/her at a reasonable cost that may be extended to cover the child for whom support is ordered. When the court makes a determination that the obligor has such coverage, the court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of such child, unless the obligee already has provided such coverage for the child at a lesser cost (except for health insurance funded under public assistance programs), or has and prefers to continue such coverage irrespective of cost.

If family health coverage is to be provided by the obligor, the support order should be reduced by one half the cost of family coverage. It is the responsibility of the obligor under the support order who is seeking such a reduction in the order to produce proof satisfactory to the court of the existence of such family coverage under the plan, or no such reduction shall be allowed. However, there shall be no reduction if the obligor has a preexisting family health insurance policy which could be amended to name the additional dependents to the policy at no cost to the obligor. Should health insurance not be provided for any period for which it is ordered, the credit for the premium payment shall be revoked and the order shall be increased by the amount of the credit during the period of noncompliance.

If family health coverage is provided by the obligee, the support order should be increased by one half the cost of the coverage. It is the responsibility of the obligee who is seeking an increase in the order to produce proof satisfactory to the court of the existence of such family coverage under the plan, or no such increase shall be allowed. However, there shall be no increase if the obligee has a preexisting family health insurance policy which could be amended to name the additional dependents at no cost to the obligee. Should health insurance not be provided for any period for which it is ordered, the increase allowed for the premium payment shall be revoked and the order shall be decreased during the period when health insurance is not provided.

2) Routine Uninsured Medical and Dental Expenses

The custodial parent shall be responsible for the payment of the first \$100 per child per year for routine uninsured medical and dental expenses. For amounts above that limit, the court shall allocate costs on a case by case basis. No reduction in the child support order should be allowed.

n APPENDIX

3) Uninsured Extraordinary Medical and Dental Expenses

The payment of uninsured extraordinary medical and dental expenses incurred by the minor children, absent agreement of the parties, shall be treated on a case by case basis. (Example: orthodontia, psychological/psychiatric counseling, etc.) In such cases, where the court makes a determination that such medical and dental services are necessary and are in the best interests of the child, consideration toward a reduction in the child support order should be given.

H. ATTRIBUTION OF INCOME

If the court makes a determination that a party is earning substantially less than he or she could through reasonable effort, the court may consider potential earning capacity rather than actual earnings. In making this determination, the court shall take into consideration the education, training, and past employment history of the party. These standards are intended to be applied where a finding has been made that the party is capable of working and is unemployed, working part-time or is working a job, trade, or profession other than that for which he/she has been trained.

This determination is not intended to apply to a custodial parent with children who are under the age of six living in the home.

I. PRIOR ORDERS FOR SUPPORT

To the extent that prior orders for spousal and child support are actually being paid, the court should deduct those payments from the gross income before applying the formula to determine the child support order. This section applies only to orders for child support for children other than those who are the subject of the pending action.

J. EXPENSES OF SUBSEQUENT FAMILIES

In instances where the non-custodial parent has remarried and has children by a subsequent marriage, the court should examine such circumstances closely to determine in the allocation of available resources whether consideration beyond Part II, Section I (Prior Orders for Support) should be given when the custodial parent of children borne of the first marriage, or subsequent marriages appears before the court seeking a modification of the existing child support order. Expenses of a subsequent family may be used as a defense to a request to modify an order seeking an increase in the existing order, but such expenses should not be considered a reason to decrease existing prior orders. In actions pursuant to G.L. c. 209C, this paragraph shall be construed to apply equally to children born out of wedlock.

III. CHILD SUPPORT OBLIGATION SCHEDULE

A. BASIC ORDER

The basic child support obligation, based upon the income of the non-custodial parent is as follows:

<u>GROSS WEEKLY INCOME</u>	<u>NUMBER OF CHILDREN</u>		
	1	2	3
\$0-\$100	Discretion of the court, but not less than \$80 per month		
\$101-\$280	21%	24%	27%
\$281-\$750	\$59 + 23%	\$67 + 28%	\$76 + 31%
(% refers to all dollars over \$280)			
\$751-max	\$167 + 25%	\$199 + 30%	\$222 + 33
(% refers to all dollars over \$750)			

For children in excess of 3 covered by the order, the support shall be no less than that for 3 children; should a judge order support at the 3 child level, written findings shall describe the circumstances of the particular case which warrant the minimum order.

Within the discretion of the court, and in consideration of the totality of the circumstances of the parties, the Basic Order may be either increased or decreased by 2%. An adjustment of 2% shall not be considered a deviation.

B. AGE DIFFERENTIAL

The above orders are to be increased to reflect the cost of raising older children. The following is intended to be applied to the age of the oldest child in the household for whom support is sought under the pending action.

<u>AGE OF OLDEST CHILD</u>	<u>PERCENTAGE INCREASE</u>
0-12	Basic Order Applies
13-18	Basic Order + 10% of Basic Order
Over 18	Discretion of the court (and if statute permits)

C. CUSTODIAL PARENT INCOME ADJUSTMENT

Where the custodial parent works and earns income in excess of \$20,000 after consideration of child care expenses, the support order is to be reduced by the percentage that the excess represents in relation to the combined incomes of both parents minus the custodial parent’s disregard.

CHILD SUPPORT GUIDELINES WORKSHEET

Court Docket #: _____ Date Worksheet Completed: _____

All provisions of the Guidelines should be reviewed prior to the completion of the worksheet. These Guidelines will apply in cases where combined gross income of both parties does not exceed \$135,000 and where the gross income of the non-custodial parent does not exceed \$100,000. **Worksheets shall be completed for all cases.**

1. BASIC ORDER

- a. Non custodial gross weekly income (less prior support orders actually paid for child/family other than the family seeking this order) _____
- b. Basic Child Support Order from chart (A) _____

2. ADJUSTMENT FOR AGE OF CHILDREN

- a. If age of oldest child is 13–18, calculate 10% times (A) _____
- b. Adjusted order (A) + (2a) (B) _____

3. CUSTODIAL PARENT INCOME ADJUSTMENT

- a. Custodial parent gross income (annual) _____
- b. Less \$20,000 - \$20,000
- c. Less annual child care cost - _____
- d. Custodial adjusted gross _____

n APPENDIX

- e. Non custodial gross (annual) _____
- f. Total available gross (d) + (e) _____
- g. Line 3(d) _____ Line 3(f) _____
- h. 3(d) divided by 3(f) _____ %
- i. Adjustment for custodial income
(Line 3h %) X (B) (C) _____

4. CALCULATION OF FINAL ORDER

- a. Adjusted order, (B) above (B) _____
- b. Less adjustment for (C) above (C) - _____
- c. Less 50% weekly cost to obligor
of family group health insurance
[Section G. 1] - _____

Or

- Plus 50% weekly cost of obligee's
family group health insurance
[Section G. 1] + _____

5. WEEKLY SUPPORT ORDER (B) - (C) + 4(c) \$ _____

PART 4—MASSACHUSETTS RULES OF DOMESTIC RELATIONS PROCEDURE (EXCERPTS)

TABLE OF CONTENTS

- I. RULE 4. PROCESS
- II. RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS
- III. RULE 6. TIME
- IV. RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY
- V. RULE 30. DEPOSITIONS UPON ORAL EXAMINATION
- VI. RULE 56. SUMMARY JUDGMENT

Rule as amended:

RULE 4. PROCESS

(a), (b) identical to Mass. R. Civ. P. Rule 4(a) and (b).

(c) By Whom Served.

Except as otherwise permitted by paragraph (h) of this rule, service of all process shall be made by a sheriff, by his deputy, or by a special sheriff; by any other disinterested person; by any other person duly authorized by law; by some person specially appointed by the court for that purpose; or in the case of service of process outside the Commonwealth, by an individual permitted to make service of process under the law of this Commonwealth or under the law of the place in which the service is to be made, or who is designated by a court of this Commonwealth. A subpoena may be served as provided in Rule 45. Notwithstanding the provisions of this paragraph (c), wherever in these rules service is permitted to be made by certified or registered mail, the mailing may be accomplished by the party or his attorney.

(d) Summons: Personal Service Within the Commonwealth.

The summons and a copy of the complaint shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) The defendant, whether within or without the Commonwealth, may accept personal service by written endorsement of his duly notarized acceptance of service on the summons or other process. In the event that service is not so accepted, service shall be made as set forth hereafter:

(2) Upon an individual by delivering a copy of the summons and of the complaint to him personally.

In complaints seeking establishment of paternity or for support of a child born out of wedlock, complaints for support of a spouse or child under Chapter 209, § 32F, for actions under Chapter 209D, for contempt and complaints for modification only, upon an individual:

(i) by delivering a copy of the summons and complaint to him personally, or

(ii) by leaving a copy of the summons and complaint at his last and usual place of abode and by mailing copies thereof to the defendant.

Notice under this subsection shall be proved by affidavit containing a particular statement thereof.

(3) If the person authorized to serve process makes return that after diligent search he cannot find the defendant, or if it appears that a defendant resides outside of the Commonwealth or is of parts unknown, the court may on application of the plaintiff issue an order of notice in the manner and form prescribed by law.

n APPENDIX

(4) If personal service shall not be made as aforesaid, such notice in the form ordered by the court shall be served by publishing a copy of the said notice thereof one in each of three successive weeks in some newspaper designated by the Register or the court and by mailing a copy of such notice by registered or certified mail, if practicable, to the defendant at his last known address. The defendant shall file his answer or other responsive pleading within the time periods allowed under these rules computed as if the date of last publication were the date on which personal service was made.

(5) Service of publication and mailing shall be proved by affidavit containing a particular statement thereof, accompanied by a copy of the advertisement (or tear sheet) of the newspaper containing the last publication and, if practicable, by the return receipt showing receipt of a copy sent by registered or certified mail.

(6) The court shall require proof of actual notice when practicable. If such notice is not shown to have been received by the defendant, the complaint shall not be assigned for hearing until the expiration of three months after the last publication date, date of service at a last and usual place of abode, or date of a mailing to the last known address of the defendant if such service has been ordered by the court. Nothing in this rule shall prevent hearing of a motion for temporary orders or issuance of temporary orders prior to the expiration of three months, provided notice of the motion and hearing has been mailed to the defendant's last and usual place of abode in accordance with Rules 5 and 6.

(7) [Deleted].

(e) identical to Mass. R. Civ. P. Rule 4(e).

(f) Return.

The person serving the process shall make proof of service thereof in writing to the court promptly and in any event within the time during which the person served must respond to the process. The person making return of service shall state in his return of service that a copy of the summons and complaint was delivered by him in hand to the defendant and shall further state the date on which and the place where such service was made. If service is made by a person other than a sheriff, deputy sheriff, or special sheriff, he shall make affidavit thereof. Proof of service outside the Commonwealth may be made by affidavit of the individual who made the service or in the manner prescribed by the law of the Commonwealth, or the law of the place in which the service is made for proof of service in an action in any of its Courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or such other evidence of personal delivery to the addressee as may be satisfactory to the court. Failure to make proof of service does not affect the validity of the service.

(g)–(h) identical to Mass. R. Civ. P. 4(g) and (h).

(i) [Deleted].

(j) identical to Mass. R. Civ. P. 4(j).

Amended effective January 1, 1976; March 8, 1976; amended January 16, 1979, effective February 12, 1979; November 16, 1979, effective December 17, 1979; amended effective January 1, 1983; amended June 27, 1983, effective July 1, 1983; July 18, 1988, effective August 1, 1988; August 5, 1992, effective September 1, 1992; January 6, 1995, effective February 1, 1995; amended effective July 26, 1995; amended October 10, 1997, effective December 1, 1997; June 5, 2003, effective September 2, 2003.

Rule as amended:

RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a), (c)–(g) identical to Mass. R. Civ. P. 5(a), (c)–(g), including the amendment made to 5(d) effective May 1, 2002.

(b) Same: How Made.

Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon

the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by leaving it with the register of probate. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. If notice of a hearing is given by service in hand delivered after 4 p.m., an additional day shall be added for purposes of computation of time under Rule 6(c). The time when the in hand service was made shall be reflected on the Certificate of Service.

Amended June 8, 1989, effective July 1, 1989; October 10, 1997, effective December 1, 1997; June 5, 2003, effective September 2, 2003.

Rule as amended:

RULE 6. TIME

(a), (b) and (d) identical to Mass. R. Civ. P. 6(a), (b), and (d).

(c) For Motions–Affidavits–Proposed Orders.

A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than seven (7) days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may be made on ex parte application when an emergency justifies the same. An application for ex parte relief from the seven (7) day notice requirement shall be by motion and supported by affidavit setting forth the nature of the emergency. On allowance of the motion, the court shall make a written finding that the emergency exists and setting forth the nature of the emergency. Whenever a motion is supported by a memorandum or affidavit, the memorandum or affidavit shall be served with the motion; and except as provided in Rule 59(c), opposing memoranda or affidavits must be served not later than one (1) business day before the hearing, unless the court permits them to be served at some other time. Every motion shall be accompanied by a proposed order, which shall be served with the motion. The proposed order shall set forth in detailed itemized paragraphs the relief sought from the court. The proposed order should not be docketed or included in the permanent file if the order is not adopted by the court and may be destroyed after the hearing on the motion. The service and the content of all motions, affidavits, and supporting papers shall be subject to the sanctions of Rule 11 of these rules.

Amended October 10, 1997, effective December 1, 1997; October 27, 1999, effective January 1, 2000; June 5, 2003, effective September 2, 2003.

Rule as amended:

RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY

(a) identical to Mass. R. Civ. P. 26(a) as amended January 1, 1981.

(b)–(e) inclusive are identical to Mass. R. Civ. P. 26(b)–(e).

(f) Format of Discovery Motions.

A motion to compel (1) further responses to interrogatories, (2) answers to a request for admissions, (3) answers to questions propounded at a deposition, or (4) production of documents or tangible things shall be submitted with a separate document setting forth each separate interrogatory, item or category of items, request, question, document or tangible thing to which further response, answer or production is requested. Said separate document shall include the response given, and the factual and legal reasons that the court should compel the specific item. Materials may not be incorporated by reference in the documents accompanying the motion. If pleadings or other documents in the court file are relevant to the motion, the party relying on such pleadings or other documents shall clearly identify and summarize each relevant document in a separate paragraph in any papers submitted to the court regarding the discovery motion. The motion must include a sworn statement by the moving party setting forth the specific steps

n APPENDIX

taken in an attempt to obtain the desired discovery responses. The responding party shall submit to the court and to the moving party a written statement setting forth the reasons for non-compliance and/or a denial, in whole or in part, of the allegations of the motion to compel and its supporting documentation. Said written statement shall be served not later than two (2) business days before the hearing.

(g) Mandatory Pre-Motion Conference.

Prior to seeking judicial resolution of a discovery or procedural dispute, the attorneys for the affected parties or nonparty witness shall confer in good faith in person or by telephone in an effort to resolve the dispute.

(h) Certification of Discovery Motions.

All discovery motions shall contain a certificate by the party filing same that efforts to resolve the discovery dispute without the necessity of court intervention have been attempted and failed. The certification shall be included in the statement required of the moving party under Rule 26(f) supra.

(i) No-Contact Order.

Where there is no-contact order in effect, the parties shall be exempted from the requirements of Rule 26(f) and (g). There shall be no requirement that they confer in order to resolve the discovery dispute.

(j) Special Master.

The court, on its own motion or at the request of either party, may appoint a special master to control the extent of discovery, including the scheduling and oversight of depositions as more fully set out in Rule 30(c), the time for completion of discovery and to resolve any discovery disputes which may arise during the course of the litigation. Prior to the appointment of said special master, the court may inquire whether the parties can agree upon a special master. The court may appoint the person agreed upon or such other suitable person.

The special master shall be appointed by a written order of reference. Said order shall set the terms and conditions under which the special master is to proceed and may specify or limit the special master's powers. The fees and costs of the special master including a reasonable retainer shall be borne equally by the parties unless the special master determines that a different allocation of the fees and costs is appropriate.

Subject to the specifications and limitations stated in the order of reference, the special master has and shall exercise the power to regulate all matters before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order, including the authority to grant sanctions limited to reasonable counsel fees and/or special master fees if a party takes an unreasonable position, in accordance with the standards established pursuant to rule 37.

If a party disagrees with a decision of the special master, the matter may be brought before the court. Each party and the special master shall submit proposed orders to the court. A party who has acted arbitrarily or in bad faith in bringing the matter before the court may be subject to sanctions as the court deems appropriate, including counsel fees and/or special master fees.

Amended effective September 1, 1981; amended October 10, 1997, effective December 1, 1997; October 27, 1999, effective January 1, 2000.

Rule as amended:

RULE 30. DEPOSITIONS UPON ORAL EXAMINATION

(a) When Depositions May Be Taken.

After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of court, granted with or without notice, must be obtained only if: (i) the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the summons and complaint upon any

defendant or service made under Rule 4(e) (except that leave is not required (1) if a defendant has served a notice of taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in subdivision (b)(2) of this rule); (ii) (deleted); (iii) (deleted); (iv) there has been a hearing before a master; or (v) (deleted). The attendance of witnesses may be compelled by subpoena as provided in Rule 45. The deposition of a person confined in prison or a minor child may be taken only by leave of court on such terms as the court prescribes.

(b) Notice of Examination: General Requirements; Special Notice; Non-stenographic Recording; Production of Documents and Things; Deposition of Organization.

(1)–(3) inclusive are identical to Mass. R. Civ. P. 30(b)(1)–(3).

(4) identical to Mass. R. Civ. P. 30(b)(4) as amended January 1, 1981.

(5)–(6) inclusive are identical to Mass. R. Civ. P. 30(b)(5)–(6).

(c) Examination and Cross-Examination; Record of Examination; Oath; Objections.

Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of Rule 43(b). The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically or by voice writing or recorded by any other means ordered in accordance with subdivision (b)(4) of this rule. If requested by one of the parties, the testimony shall be transcribed. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and such party shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition; but the examination shall proceed. Any objection to testimony during a deposition shall be stated concisely and in a non-argumentative and non-suggestive manner. Testimony to which objection is made shall be taken subject to the objections. Counsel for a witness or a party may not instruct a deponent not to answer except where necessary to assert or preserve a privilege, a disqualification pursuant to G.L. c. 233, § 20, or protection against disclosure, to enforce a limitation on evidence directed by the court or stipulated in writing by the parties, or to terminate the deposition and present a motion to the court pursuant to Rules 30(d) or 37(d).

Pursuant to Rule 26(j), a special master may be appointed to oversee the deposition practice and procedure. The court may order or the special master may decide to attend the deposition. A party may request the attendance of the special master at a deposition, if a party reasonably believes it is necessary. In addition to the powers enumerated in Rule 26(j) and subject to the specifications and limitations stated in the order of reference, the special master may decide the time, date and place for the deposition, the length of the deposition and who may be present at the deposition.

(d)–(e) identical to Mass. R. Civ. P. 30(d)–(e).

(f), (f)(1)–(3) identical to Mass. R. Civ. P. 30(f)(1)–(3).

(g) identical to Mass. R. Civ. P. 30(g).

Amended effective September 1, 1981; amended January 30, 1989, effective March 1, 1989; June 8, 1989, effective July 1, 1989; October 10, 1997, effective December 1, 1997; October 27, 1999, effective January 1, 2000.

Rule as Amended:

RULE 56. SUMMARY JUDGMENT

a) Motions for Summary Judgment.

A party may move for summary judgment subsequent to the commencement of any proceeding under these rules in actions for modification and actions to modify or enforce a foreign judgment. Each motion for summary judgment shall be accompanied by a "Affidavit of Undisputed Facts" which shall enumerate discretely each of the specific material facts relied upon in support of the motion and cite the particular portions of any pleading, affidavit, deposition, answer to interrogatories, admission or other document relied upon to establish that fact. The motion shall be served at least ten (10) days before the time fixed for the hearing. The moving party shall be responsible for filing with the Court all evidentiary documents cited in the moving papers. The motion for summary judgment shall be denied if the moving party fails to file and serve the affidavit required by this paragraph.

(b) Opposition.

Any party opposing a motion for summary judgment shall file and serve no later than three (3) days before the time fixed for the hearing, unless the court otherwise orders, an affidavit reproducing the itemized facts in the "Affidavit of Undisputed Facts" and admit those facts which are undisputed and deny those which are disputed, including with each denial a citation to the particular portions of any pleading, affidavit, deposition, answers to interrogatories, admission or other document relied upon in support of the denial. The opposing party may also file a concise "Affidavit of Disputed Facts," and the source thereof in the record, of all additional material facts as to which there is a genuine issue precluding summary judgment. The opposing party shall be responsible for the filing with the court of all evidentiary documents cited in the opposing papers. If a need for discovery is asserted as a basis for denial of the motion, the party opposing the motion shall provide a specification of the particular facts on which discovery is to be had or the issues on which discovery is necessary.

(c) Stipulated Facts.

All interested parties may jointly file a stipulation setting forth a statement of stipulated facts to which all interested parties agree. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

(1) In any pending motion for summary judgment, the assigned judge may order the parties to meet, confer and submit, on or before a date set by the assigned judge, a joint statement of undisputed facts.

(d) [deleted] [Case Not Fully Adjudicated on Motion].

(e) Form of Affidavits; Further Testimony; Defense Required.

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in any affidavits shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits Are Unavailable.

Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith.

Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavit caused him to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Judgment.

The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and responses to requests for admission under Rule 36, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment, when appropriate, may be rendered against the moving party.

Adopted October 10, 1997, effective December 1, 1997. Amended October 27, 1999, effective January 1, 2000; June 5, 2003, effective September 2, 2003.

TABLE OF CASES

References are to page numbers.

A

A.B. v. C.D., 201
A.R. v. C.R., 200
Adoption of, *see* name of party
Ames v. Perry, 445
Anderson v. Anderson, 194
Angelone v. Angelone, 133
Ardizoni v. Raymond, 440
Aronoff v. Board of Registration in Medicine, 474
Arthur, Adoption of, 386

B

Barron v. Puzo, 438
Bassette v. Bartolucci, 436, 437
Beausoleil, Commonwealth v., 200
Benson v. Benson, 444
Bercume v. Bercume, 445
Bernard, Commonwealth v., 301, 305, 327, 330
Blixt v. Blixt, 269
Borman v. Borman, 468
Brash v. Brash, 474
Breton v. Breton, 258
Brewer v. Brewer, 112
Broome v. Broome (Broome II), 442
Brown v. Brown, 125
Brum v. Town of Dartmouth, 469
Buckley v. Buckley, 433
Bush v. Bush, 436
Bushnell v. Bushnell, 128

C

C.C. v. A.B., 196
Cameron v. Carelli, 474
Canning v. Juskalian, 437, 439
Care and Protection of, *see* name of party
Carlos, Adoption of, 382
Clancy, Commonwealth v., 25
Cohan v. Feuer, 185, 438
Commonwealth v., *see* name of party
Contributory Ret. Bd. of Arlington v. Mangiacotti, 566
Cooper v. Cooper, 445
Cournoyer v. Cournoyer, 436, 441, 442
Crowe v. Fong, 437, 439
Custody of, *see* name of party

D

D.C. v. J.S., 368
D.L. v. G.L., 185
Daubert v. Merrell Dow Pharms., 335
Davidson v. Davidson, 436
Deborah, Custody of, 472
DeCristofaro v. DeCristofaro, 258, 434, 441, 444, 445
Delmolino v. Nance, 22
Deloury v. Deloury, 24
Department of Revenue v. B.P., 200
Department of Revenue v. Mason M., 227
Department of Revenue v. Roe, 201
Department of Revenue v. Spinale, 195
Diane, Adoption of, 303, 328, 386
Dickenson v. Cogswell, 370, 371
DiRusso v. DiRusso, 259
Doe v. Doe, 133
Doe v. Roe, 227, 228
Dominick, 441
Donnelly v. Donnelly, 262
Downing v. Downing, 187
Drapek v. Drapek, 184
Dube, Commonwealth v., 23
Duckett v. Duckett, 188
Duro v. Duro, 258, 483
Dyer, Commonwealth v., 24

F

Fanciullo, Commonwealth v., 200
Feinberg v. Diamant, 228
Felton v. Felton, 259, 260, 262
Flaherty v. Flaherty, 436, 437
Fleming v. Fleming, 443
Flynn v. Connors, 201
Fort v. Fort, 261
Freedman v. Freedman, 444, 445
Freeman v. Chaplic, 382

G

G.E.B. v. S.R.W., 195
Galen, Adoption of, 406
George, Adoption of, 25
Gianakas, In re, 436
Gillis, Commonwealth v., 24
Gordon v. Gordon, 184
Gottsegen v. Gottsegen, 436, 438

n TABLE OF CASES

Greenberg v. Greenberg, 436
Griffith v. Griffith, 186

H

Haas v. Puchalski, 258
Hamilton v. Pappalardo, 444
Handrahan v. Handrahan, 260
Hanna, Adoption of, 386
Hano v. Hano, 109
Harris v. Harris, 438
Hartog v. Hartog, 187, 432, 436
Hawkins v. Hawkins, 472
Hayes v. Lichtenberg, 441, 442
Holt v. Holt, 125
Huber v. Huber, 470
Hugh, Adoption of, 386

I

In re, *see* name of party

J

Jasper v. Jasper, 125
Jenkins v. Jenkins, 258
Jones v. Roe, 423

K

K.J.M. v. M.C., 202
Kali, Custody of, 202
Katharine, Adoption of, 339, 386
Kelley v. Kelley, 436
Kendrick v. Kendrick, 125
Kennedy v. Kennedy, 438
Kennedy, Commonwealth v., 201
Kitchen, Commonwealth v., 200
Kittredge v. Kittredge, 184
Knox v. Remick, 434, 436, 441, 442, 445
Krokyn v. Krokyn, 475

L

LaFlamme v. LaFlamme, 125
Lamb, Commonwealth v., 22, 304, 329
Lanigan, Commonwealth v., 335
Larson v. Larson, 441, 456
Levine v. Levine, 187
Lilith, Care and Protection of, 386
Lima v. Lima, 24
Lockley, Commonwealth v., 60

M

M.J.C. v. D.J., 196

MacDougall v. Acres, 263
Madden v. Madden, 108
Maddocks v. Ricker, 469
Mailer v. Mailer, 472
Mansur v. Clark, 444, 445
Mason v. Coleman, 371
Maze v. Mihalovich, 433, 436
McCarthy v. McCarthy, 189, 259, 444
Metzler v. Lanoue, 469
Mezoff v. Mezoff, 109
Michaels, In re, 186
Minor, Custody of a, 386
Miranda v. Miranda, 125

N

Nadia, Adoption of, 386
Negus v. Foote, 200
Nicole, Adoption of, 386

O

O'Brien v. O'Brien, 186, 258, 442
Olivia, Adoption of, 468
Olszewski, Commonwealth v., 23
Orlandella v. Orlandella, 106

P

Packaging Indus. Group, Inc. v. Cheney, 469
Pagar v. Pagar, 437
Palmer v. Palmer, 258
Pare v. Pare, 187
Parrish v. Parrish, 442, 445
Paternity of Cheryl, 194
Peddar v. Peddar, 434
Petition of Catholic Charitable Bureau of
Archdiocese, Inc. to Dispense with Consent
to Adoption, 26
Petition of Two Minors for Change of Name, 423
Petruzzello v. Newman, 259
Pizzino v. Miller, 370
Poor v. Poor, 128
Public Welfare v. J.K.B., 468

Q

Quinn v. Quinn, 456

R

R.R.K. v. S.G.P., 200
Ramon, Adoption of, 386
Randall v. Randall, 441, 443, 445
Richards v. Mason, 423
Rosenberg v. Merida, 230

Rosenfield v. Trombley, 124
 Russell v. McOwen-Hanelt, 472

S

S.L. v. D.L., 187
 Salvesen v. Salvesen, 457
 Sawyer v. Sawyer, 471
 Schillander v. Schillander, 434, 442, 443
 Schuler v. Schuler, 437
 Shiereck v. Shiereck, 435
 Silke v. Silke, 200
 Silverman v. Silverman, 125
 Smith-Clarke v. Clarke, 440
 Sodones v. Sodones, 456
 Souther, Commonwealth v., 26
 Stansel v. Stansel, 441, 442, 445
 Stylianopoulos v. Stylianopoulos, 187
 Swampson, In re, 436

T

Talbot v. Talbot, 438
 Tammy, Adoption of, 405
 Thompson v. Thompson, 187
 Turner v. McCune, 444

U

Usen v. Usen, 26

V

Vaughn, Custody of, 80, 133, 202, 254, 258
 Viccaro v. Milunsky, 189
 Vilakazi v. Maxie, 259, 262
 Vyskocil v. Vyskocil, 472

W

Wakefield v. Hegarty, 367
 Wansong v. Wansong, 25
 William, Adoption of, 468
 Williams v. North Carolina I, 128
 Williams v. Pitney, 440
 Winternitz v. Winternitz, 438

Y

Yannas v. Frondistou-Yannas, 366, 370, 371
 Yanolis v. Yanolis, 470

TABLE OF STATUTES, RULES AND REFERENCES

References are to page numbers.

FEDERAL

Code of Federal Regulations (C.F.R.)

8 C.F.R., 351

22 C.F.R., 351

Health Insurance Portability and Accountability Act (HIPAA), 301, 302, 305, 327, 328, 330

Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), 352, 355, 357, 358, 363

Immigration and Nationality Act

(INA), 351

§ 101, 351, 352

§ 101(a)(15)(K), 356

§ 101(a)(27)(J), 356

§ 101(a)(43), 361, 363

§ 201, 353

§ 201(b)(2)(A)(i), 356

§ 203, 353

§ 204, 354, 361

§ 212, 352

§ 212(a)(1)(ii), 357

§ 212(a)(2), 357

§ 212(a)(4), 357

§ 212(g), 357

§ 213A, 357

§ 216, 355, 360

§ 237, 352, 363

§ 237(a)(2), 357

§ 240A, 361

§ 245, 354

Immigration and Naturalization Service Form I-130, 354

Immigration Marriage Fraud Act (1986), 353

Immigration Reform and Control Act (IRCA), 357

Internal Revenue Code (I.R.C.)

§ 21, 573

§ 414(p), 163, 164

§ 417, 164

IRS Publication 8839, 410

Retirement Equity Act of 1984, 164

Social Security Act

Title IV, Part D, 694

United States Code (U.S.C.)

8 U.S.C., 351

§ 1101, 351

§ 1182, 352

§ 1227, 352

11 U.S.C.

§ 372, 186

§ 523(a)(5), 186

42 U.S.C.

§ 290dd-2, 23

§ 290dd-3, 302, 327

§ 1175, 302, 327

United States Constitution, 351

Fifth Amendment, 23, 305, 331

Violence Against Women Act

(VAWA), 360, 361

MASSACHUSETTS

Abuse Prevention Act

See Massachusetts General Laws, G.L. c. 209A

Appeals Court Standing Order Concerning Petitions to the Single Justice Pursuant to G.L. c. 231, § 118, 469

Child Support Guidelines, 569–76

Section II.I., 437

Section II.J., 437, 439

Code of Massachusetts Regulations (C.M.R.)

10 C.M.R. § 12.09(1)–(3), 301, 327

102 C.M.R. § 5.04(7), 406

110 C.M.R.

§ 2.0, 88

§§ 4.01–4.15, 91

§ 12.10, 92

■ TABLE OF STATUTES, RULES AND REFERENCES

Indigent Court Costs Act

See Massachusetts General Laws, G.L. c. 261,
§§ 27A–27G

Massachusetts Acts

1969 Mass. Acts c. 771, § 3, 483
1998 Mass. Acts c. 179, 43, 258, 261

Massachusetts Child Custody Jurisdiction Act (MCCJA)

See Massachusetts General Laws, G.L. c. 209B

Massachusetts General Laws (G.L. c.)

- c. 19A, 563
 - § 20, 564
- c. 19C, § 7, 564
- c. 28A, 209, 236
- c. 34, 443
- c. 46
 - § 3C, 193
 - § 12, 193
 - § 13, 193, 194, 221
 - § 19, 195
- c. 71, § 34H, 302, 327
- c. 94C, 55
- c. 111, § 70F, 23
- c. 111B, § 11, 23
- c. 111E
 - § 18, 23
 - § 70, 301, 327
 - § 70E(b), 301, 327
- c. 112
 - § 8GB, 301, 327
 - § 129A, 26
 - § 135, 23, 24
 - § 135A, 23, 24, 302, 327
 - § 135A(i), 26
 - § 135B, 23, 24, 302, 305, 327, 330
- c. 119, 152, 561
 - § 23A, 563, 565
 - § 23C, 91, 563, 564, 565
 - §§ 24–29, 90
 - § 29, 90
 - § 39D, 15, 269
 - §§ 51A–F, 88
 - § 51A, 26, 88, 299, 325, 482, 541
- c. 119A, 11
 - § 1, 443, 444
 - § 1 et seq., 234
 - § 2, 449
 - § 3A, 199
 - § 3B, 204
 - § 3B(a), 449, 450
 - § 3B(b), 450
 - § 3B(c), 450
 - § 3B(f), 450
- § 3B(g), 450
- § 3B(h), 450
- § 4, 554
- § 6, 233, 234
- § 12, 232
- § 13, 444
- § 13(a), 440, 444
- c. 201, 10, 152
 - § 1, 382
 - § 2, 382, 383, 384
 - § 5, 382, 386
 - § 34, 22
- c. 207, 152
- c. 208, 10, 14, 106, 152, 259, 561
 - § 1, 14, 445, 567
 - § 1A, 14, 108, 124, 125, 126, 130, 137, 433, 445, 564, 567
 - § 1B, 14, 124, 125, 140, 445, 559, 567
 - § 2, 125
 - § 6, 126, 425
 - § 6B, 248
 - § 12, 10
 - § 15, 22, 257
 - § 16, 10, 292, 318
 - § 17, 10
 - § 18, 10, 188, 417
 - § 19, 10
 - § 20, 10
 - § 23, 422
 - § 24, 133
 - § 28, 10, 15, 91, 133, 187, 189, 226, 228, 258, 438, 439, 440
 - § 28A, 10
 - § 29, 440
 - § 30, 366, 376, 377, 378
 - § 31, 51, 133, 252, 258, 259, 260, 302, 327
 - § 31A, 10, 43, 44, 253, 339
 - § 32, 10, 277
 - § 33, 10
 - § 34, 10, 37, 49, 52, 107, 126, 145, 161, 163, 184, 185, 186, 433
 - § 34A, 10
 - § 34B, 10, 113, 417, 478, 482
 - § 34C, 113, 126
 - § 34D, 188
 - § 36, 187
 - § 36A, 10
 - § 37, 15, 433
 - § 39, 128
 - § 46, 148
- c. 209, 10, 115, 152
 - § 6(a)(6), 193
 - § 14, 195
 - § 30, 111, 112
 - § 30 et seq., 106

Massachusetts General Laws (G.L. c.) (*cont'd*)

c. 209 (*cont'd*)

- § 31, 112
- § 32, 10, 15, 107, 108, 109, 111, 112, 113, 115, 248, 417, 440
- § 32D, 10
- § 32F, 10, 15, 109, 228, 248, 252, 577
- § 33, 10, 111
- § 34, 109
- § 36, 111
- § 37, 10, 15, 109, 111, 228, 248, 438, 439
- § 38, 10, 111, 253

c. 209A, 10, 15, 44, 45, 70, 71, 72, 78, 79, 93, 96, 110, 112, 150, 151, 152, 188, 197, 202, 228, 248, 249, 251, 258, 266, 302, 327, 367, 386, 417, 449, 494, 495, 498, 499, 500, 503, 506, 539, 542, 543, 544, 561, 563, 564

- § 1, 71, 72, 73, 74, 361
- § 3, 10, 71, 77, 78, 253, 258, 295, 321, 386, 478, 482
- § 3(a), 70
- § 3(b), 70
- § 3(c), 70
- § 3(d), 70
- § 3(e), 71
- § 3(f), 71
- § 3(g), 71
- § 3(h), 71
- § 3(i), 71
- § 3B, 71
- § 5, 73
- § 6, 73, 75
- § 6(7), 113
- §§ 7–9, 248

c. 209B, 11, 263, 367

- § 2, 424

c. 209C, 11, 15, 193, 196, 199, 204, 227, 228, 236, 248, 259, 574

- § 1, 201, 260, 367, 439
- § 3(a), 196
- § 4, 196, 229
- § 5, 196
- § 5(a), 196
- § 5(b), 193, 196
- § 6, 194
- § 6(a), 196
- § 6(a)(1), 195
- § 6(a)(3), 195
- § 6(a)(4), 195
- § 6(a)(6), 193, 195
- § 6(b), 196
- § 6(c), 198
- § 8, 193, 194, 198
- § 9, 198, 201, 226
- § 9(a), 201
- § 10, 10, 91, 196, 202, 253, 260

- § 10(b), 267
- § 11, 193, 194, 198, 200, 201, 221
- § 11(a), 194
- § 14, 195, 198, 201
- § 15, 10, 198, 201, 202, 417, 478, 482
- § 16, 195, 200
- § 17, 195, 198, 199, 200
- § 20, 15, 417, 438, 439, 440
- § 22, 204
- § 23, 205

c. 209D, 11, 235, 434, 577

- § 2-201, 235
- § 2-205, 235

c. 210, 91, 152, 412

- § 1, 404, 405
- § 2, 405, 406, 411
- § 2A, 405
- § 3, 411, 468, 563, 564
- § 3(a), 407
- § 3(a)(ii), 407
- § 3(c), 407
- § 4, 407, 408, 419
- § 4A, 406, 407
- § 5A, 404, 406, 409, 415
- § 6, 410, 411, 416, 418, 419, 422
- § 6A, 422
- § 7, 410
- § 12, 421, 425
- § 13, 421, 425
- § 14, 421, 425

c. 211, § 3, 468

c. 211D, 549

c. 213, § 8, 550

c. 215, 11

- § 3, 10
- § 4, 10
- § 6, 10
- § 6C, 10
- § 9, 470
- §§ 9–24, 468
- § 30, 546
- § 34, 10, 15, 456, 457
- § 34B, 456
- § 35, 15
- § 56A, 10, 22, 257, 292, 318, 348
- § 56B, 257, 457
- § 57, 456

c. 217, § 8, 546

c. 221, § 92A, 13, 14

c. 221C

- § 2, 13
- § 4, 14

c. 223A

- § 3, 124

■ TABLE OF STATUTES, RULES AND REFERENCES

Massachusetts General Laws (G.L. c.) (*cont'd*)

- c. 231
 - § 85P, 404
 - § 118, 468, 469
- c. 233, 20
 - § 1 et seq., 20
 - § 20, 23, 24, 581
 - § 20A, 23, 24
 - § 20B, 23, 25, 26, 301, 303, 305, 327, 328, 330
 - § 20J, 23, 26, 302, 328
 - § 20K, 23, 26, 302, 328
 - § 23C, 23, 25, 302, 328, 480
 - § 79, 22, 23, 201
 - § 79G, 22–23
- c. 248, § 1, 27
- c. 261
 - § 27A, 284, 547
 - § 27A et seq., 13, 168
 - §§ 27A–27G, 27, 29, 471, 547
 - § 27B, 28, 32, 557, 568
 - § 27C, 13, 60
- c. 262
 - § 4B, 547
 - § 29, 20
- c. 265, § 26A, 265, 266, 268
- c. 276
 - § 85A, 10, 257
 - § 85B, 257, 483

Massachusetts Rules of Appellate Procedure (Mass.

- R. App. P.), 470**
- Rule 4(a), 471
- Rule 8, 471
- Rule 8(a), 471
- Rule 8(b)(1), 471
- Rule 8(b)(3), 471
- Rule 8(c), 471
- Rule 9, 471
- Rule 9(c), 471, 472
- Rule 10, 472
- Rule 10(a)(3), 472
- Rule 11(a), 472
- Rule 11(b), 472
- Rule 11(c), 473
- Rule 11(f), 473
- Rule 11(g), 473
- Rule 11(g)(1), 473
- Rule 12, 471
- Rule 13, 473, 475
- Rule 16, 473, 474
- Rule 16(a), 474
- Rule 16(a)(1), 474
- Rule 16(c), 474
- Rule 16(d), 474
- Rule 16(e), 474

- Rule 16(k), 474
- Rule 18, 474
- Rule 19, 473
- Rule 19(a), 473
- Rule 19(b), 473
- Rule 19(c), 473
- Rule 20, 474
- Rule 22, 474
- Rule 25, 475
- Rule 26, 475
- Rule 27, 474
- Rule 27(a), 476
- Rule 27.1(b), 475
- Rule 27.1(c), 475
- Rule 27.1(d), 475
- Rule 27.1(f), 475

Massachusetts Rules of Civil Procedure (Mass. R. Civ. P.)

- Rule 5(d)(1), 555
- Rule 40(b), 562
- Rule 52(b), 556
- Rule 59, 556
- Rule 60, 556
- Rule 78, 555
- Rule 83, 546

Massachusetts Rules of Domestic Relations Procedure (Mass. R. Dom. Rel. P.)

- Rule 4, 577–78
- Rule 4(c), 557, 567, 577
- Rule 4(d), 197, 577–78
- Rule 4(d)(1), 198, 577
- Rule 4(d)(2), 197, 199, 577
- Rule 4(f), 458, 578
- Rule 4(j), 561
- Rule 4.1, 115
- Rule 4.2, 115
- Rule 5, 555, 566, 567, 578–79
- Rule 5(b), 578–79
- Rule 5(d)(1), 555
- Rule 6, 116, 165, 167, 210, 211, 212, 240, 385, 387, 400, 566, 567, 578, 579
- Rule 6(c), 199, 579
- Rule 7, 116, 165, 167, 210, 211, 212, 240, 400
- Rule 8, 115
- Rule 11, 579
- Rule 12(b), 436
- Rule 26, 579–80
- Rule 26(f), 579–80
- Rule 26(g), 580
- Rule 26(h), 580
- Rule 26(i), 580
- Rule 26(j), 580, 581
- Rule 30, 20, 580–81

Massachusetts Rules of Domestic Relations Procedure (Mass. R. Dom. Rel. P.) (*cont'd*)

Rule 30(a), 580–81
 Rule 30(b), 581
 Rule 30(c), 580, 581
 Rule 30(d), 581
 Rule 31, 20
 Rule 32, 49
 Rule 33, 20, 53
 Rule 34, 20, 56
 Rule 37, 580
 Rule 37(d), 581
 Rule 40(b), 562
 Rule 43(b), 581
 Rule 44(a)(1), 195
 Rule 45, 577, 581
 Rule 56, 445, 582–83
 Rule 56(a), 582
 Rule 56(b), 582
 Rule 56(c), 582
 Rule 56(e), 582
 Rule 56(f), 582
 Rule 56(g), 583
 Rule 56(h), 583
 Rule 59(b), 432
 Rule 59(c), 579
 Rule 60, 432
 Rule 60(a), 432
 Rule 60(b), 194, 432
 Rule 65, 115
 Rule 78, 555
 Rule 401, 17
 Rule 410, 20
 Rule 412, 440

Parental Kidnapping Act, 265, 268

Probate Court Rules (Prob. Ct. R.), 546–54

Rule 1, 167
 Rule 6, 116, 165, 210, 211, 240, 400
 Rule 29, 116, 165, 167, 210, 211, 240, 400
 Rule 29B, 116, 165, 167, 210, 211, 240, 387, 388, 389, 398, 400

Probate Court Supplemental Rules (Prob. Ct. Supp. R.)

Rule 101, 546
 Rule 102, 546
 Rule 103, 547
 Rule 201, 547–48
 Rule 202, 548
 Rule 203, 548
 Rule 204, 548
 Rule 401, 38, 47, 117, 548–49, 554
 Rule 401(b), 201
 Rule 402, 460, 549

Rule 403, 13, 550
 Rule 404, 550
 Rule 405, 550–51
 Rule 406, 551
 Rule 407, 551
 Rule 408, 551
 Rule 409, 551–52
 Rule 410, 47, 552–53
 Rule 411, 553
 Rule 412, 553–54, 564

Standards for Category E Guardian ad Litem Investigators, 282

Standard 1, 318–22
 Standard 1.1, 318–19
 Standard 1.2, 319
 Standard 1.3, 319–21, 338
 Standard 1.3C, 289
 Standard 1.4, 289, 321, 338
 Standard 1.5, 322
 Standard 2, 322
 Standard 3, 322–23
 Standard 3.1, 322
 Standard 3.2, 322
 Standard 3.3, 290, 323
 Standard 3.4, 323
 Standard 4, 323–29
 Standard 4.1, 290, 323
 Standard 4.2, 323–24
 Standard 4.3, 289, 324–25
 Standard 4.3A, 289, 324
 Standard 4.3B, 324
 Standard 4.3C, 289, 324
 Standard 4.3D, 289, 324
 Standard 4.3E, 289, 324
 Standard 4.3F, 289, 324
 Standard 4.3.1, 325
 Standard 4.4, 325
 Standard 4.4.1, 325
 Standard 4.4.2, 284, 325–26
 Standard 4.5, 326
 Standard 4.6, 326–29
 Standard 4.6.1, 288, 327
 Standard 4.6.2, 328–29, 330
 Standard 5, 329–30
 Standard 5.1, 329
 Standard 5.2, 289, 330
 Standard 5.3, 330
 Standard 6, 287, 330–34
 Standard 6.1, 331
 Standard 6.2, 331
 Standard 6.3, 331–32
 Standard 6.4, 332–33
 Standard 6.4.1, 332
 Standard 6.4.2, 332–33
 Standard 6.5, 333

■ TABLE OF STATUTES, RULES AND REFERENCES

Standards for Category E Guardian ad Litem

Investigators (*cont'd*)

Standard 6.6, 333
Standard 6.7, 333
Standard 6.8, 334
Standard 7, 334–37
Standard 7.1, 334–35
Standard 7.2, 335–36
Standard 7.2.1, 336
Standard 7.2.2, 336–37
Standard 7.3, 337
Standard 7.4, 337
Standard 8, 338–41
Standard 8.1, 338
Standard 8.2, 338
Standard 8.3, 339
Standard 8.4, 339–40
Standard 8.5, 340
Standard 8.6, 340–41
Standard 9, 341–43
Standard 10, 343
Standard 10.1, 343–44
Standard 10.2, 344
Standard 10.3, 345
Standard 10.4, 345
Standard 10.5, 345
Standard 10.6, 346
Standard 10.7, 346
Standard 10.8, 346
Standard 11, 346–47

Standards for Category F Guardian ad Litem

Investigators, 282

Standard 1, 292–96
Standard 1.1, 292–93
Standard 1.2, 293
Standard 1.3, 293–95
Standard 1.3C, 289
Standard 1.4, 289, 295–96
Standard 1.5, 296
Standard 2, 296
Standard 3, 296–97
Standard 3.1, 297
Standard 3.2, 297
Standard 3.3, 290, 297
Standard 3.4, 297
Standard 4, 297–303
Standard 4.1, 290, 297–98
Standard 4.2, 298
Standard 4.3, 289, 298–99
Standard 4.3A, 289, 298
Standard 4.3B, 289, 298
Standard 4.3C, 289, 298
Standard 4.3D, 289, 298
Standard 4.3E, 289, 299

Standard 4.3.1, 299
Standard 4.4, 299
Standard 4.4.1, 299–300
Standard 4.4.2, 284, 300
Standard 4.5, 301
Standard 4.6, 301
Standard 4.6.1, 288, 301–03
Standard 4.6.2, 303, 305
Standard 5, 303–05
Standard 5.1, 304
Standard 5.2, 304
Standard 5.3, 304–05
Standard 6, 287, 305–08
Standard 6.1, 305–06
Standard 6.2, 306
Standard 6.3, 306
Standard 6.4, 306–07
Standard 6.5, 307
Standard 6.6, 307
Standard 6.7, 307–08
Standard 6.8, 308
Standard 7, 308–10
Standard 8, 310–13
Standard 8.1, 310
Standard 8.2, 311–12
Standard 8.3, 312
Standard 8.4, 312
Standard 8.5, 312–13
Standard 8.6, 313
Standard 8.7, 313

Standing Orders of the Probate and Family Court

1-03, 12
1-04, 16
1-05, 557
1-06, 558–65
2-05, 557
2-83, 555
2-97, 555
2-98, 298, 324, 566
2-99, 555–56
3-08, 566–67
4-08, 567–68

Supreme Judicial Court Rules

Rule 1:07, 290
Rule 1:18, 481, 482, 485
Rule 3:07, 296
Rule 3:10, 547

Uniform Interstate Family Support Act (UIFSA)

See Massachusetts General Laws, G.L. c. 209D

Uniform Probate Practice

X, 564
Xa, 3(A), 407

REFERENCES

- A Guide to Court-Connected Alternative Dispute Resolution Services*, 481
- ABA Task Force on Mediation, *Divorce and Family Mediation: Standards of Practice for Family Mediators* (ABA 1986), 479
- Appellate Practice in Massachusetts* (MCLE, Inc. 2d ed. 2000 & Supp. 2004, 2008), 468
- Bowling, Daniel and David Hoffman, *Bringing Peace Into The Room: How the Personal Qualities of the Mediator Impact the Process of Dispute Resolution* (Jossey-Bass 2003), 479
- Carney, J.W., Jr., Patti B. Saris, and Martha B. Sosman, *Massachusetts Evidence: A Courtroom Reference* (MCLE, Inc. rev. ed. 1999 & Supp. 2001, 2004, 2006), 24
- Federico, Phyllis E. and Peter F. Zupcofska et al., eds., *Massachusetts Divorce Law Practice Manual*, Chapter 3 (MCLE, Inc. 2d ed. 2008), 479, 480, 481, 482, 485
- Fiske, Neumann and Woodbury, *Divorce Mediation Training Associates, 1998 Training Manual*, 479
- Folberg, Jay and Allison Taylor, *Mediation: A Comprehensive Guide to Resolving Conflict Without Litigation* (Jossey-Bass 1984), 479
- Fragomen, Austin T., Jr., et al., *Immigration Procedures Handbook*, 351
- Gagnon, Andree G., "Ending Mandatory Divorce Mediation for Battered Women," 15 *Harv. Women's L.J.* 272 (1992), 485
- Gifis, Steven H., *Law Dictionary* (Barrons 2d ed. 1984), 443
- Ginsburg, Edward M., "Guidelines for Child Custody Cases," *Boston B.J.*, Oct. 1982, 262
- Ginsburg, Edward M., "The Place of Mediation in the Scheme of Divorce," 8 *Mass. Fam. L.J.* (July 1990), 484
- Grillo, Trina, "The Mediation Alternative: Process Dangers for Women," 100 *Yale L.J.* 1545 (1991), 485
- A Guide to Court-Connected Alternative Dispute Resolution Services*, 481, 482, 485
- Guidelines for Judicial Practice: Abuse Prevention Proceedings (October 1996), 78
- Ignatius, Sarah and Elizabeth Stickney, *Immigration Law and the Family* (Clark-Boardman), 350
- Inker, Monroe L., Charles P. Kindregan, and Patricia A. Kindregan, *Family Law and Practice* (Vols. 2 and 3 *Massachusetts Practice Series*) (West 3d ed. 2003 & Supp. 2008), 107, 437
- Massachusetts Divorce Law Practice Manual* (MCLE, Inc. 2d ed. 2008), 468
- Massachusetts Practice Series* (2d ed. 1996)
Vol. 3, § 63.4, 386
Vol. 3, § 66.1, 386
- Mediation in the Probate and Family Court: A Survey of Family Service Officers*, 482
- Mediation Quarterly* (Jossey-Bass), 479
- Mehne, Christopher G. and John H. Cross, *Massachusetts Guardianship and Conservatorship Practice* (MCLE, Inc. 1997 & Supp. 2000, 2004), 22
- Parent Education Programs: Understanding the Effect of Divorce on Children*, 567
- Potter, Harold W. and Paul E. Troy, *A Practical Guide to Introducing Evidence: Basic Foundations and Objections* (MCLE, Inc. 1993 & Supp. 1996, 1998, 2000, 2003, 2005), 24
- The Probate and Family Court Speaks* (MCLE, Inc. 2002), 482
- Quirion, Pauline, ed., *Paternity and the Law of Parentage* (MCLE, Inc. 2002), 195
- Supreme Judicial Court Report, *Achieving Equity*, 482, 483
- Vincent, Maggie, "Mandatory Mediation of Custody Disputes: Criticism, Legislation, and Support," 20 *Vt. L. Rev.* 255 (1995), 485

■ TABLE OF STATUTES, RULES AND REFERENCES

INDEX

References are to page numbers.

A

AAA FULL CIRCLE ADOPTIONS, 523, 524

ABANDONMENT, 111–12

ABCD, 537

ABUSE

See also DOMESTIC VIOLENCE;

RESTRAINING ORDERS

Child, 24, 43, 88, 480–81, 534

Definition of, 70, 88, 539

Sample forms

Abuse Prevention Order, 96–98

Complaint for Protection from Abuse, 93–95

ACADEMY OF FAMILY MEDIATORS

(AFM), 479

ACT OF LOVE ADOPTIONS, 523

ADDRESS, CONCEALMENT OF, 87, 248

Motion to Impound Address, sample, 99

ADOPTION AGENCIES, 522–25

Private, 523–25

Public, 522

Special needs, 522

ADOPTION AND AID INTERNATIONAL, 524–25

ADOPTION BY CHOICE, 524

ADOPTION CHOICES, 524

ADOPTION OPTIONS AT JEWISH FAMILY SERVICE, 524

ADOPTION RESOURCE ASSOCIATES, 523

ADOPTION RESOURCE CENTER AT BRIGHTSIDE, 525

ADOPTION RESOURCE CENTER AT BROOKLINE, 523

ADOPTION RESOURCES, 525

ADOPTIONLINK, 525

ADOPTIONS, 403–19

Agency requirement, 404

Consent in, 405–06

Decree, 497, 410

Documents for, 408–09

Hearing for, 410

Home study for, 406

Name change in, 422–23

Open adoption agreements, 410

Persons able to adopt, 404–05

Prehearing procedures, 400–01

Sample forms

Affidavit Disclosing Care or Custody Proceedings, 150–52

Affidavit of Indigency and Request for Waiver, Substitution or State

Payment of Fees and Costs, 27–35

Affidavit of Petitioner for Adoption, 416

Citation, 418–19

Intake sheet, CARI search, 417

Motion to Waive Home Study, 415

Petition for Adoption, 411–12

Surrender form, 413–14

Without consent, 407–08

ADOPTIONS WITH LOVE, INC., 524

ADVOCATES

Domestic violence, 72–73, 80–81

For limited assistance, 81

AFFIDAVITS

Bad faith in, 447

Custody proceedings, 249

Defined, 539

Factual basis for, 446

Immigration, 357, 361

Name change proceedings, 422–23

Paternity proceedings, 197, 199, 200, 201

Removal proceedings, 369

Sample forms

Affidavit Disclosing Care or Custody Proceedings, 150–52

Affidavit in Support of Complaint for Divorce: Irretrievable Breakdown of the Marriage, 137–38

Affidavit in Support of Emergency Temporary Guardianship, 397

Affidavit in Support of Motion for Genetic-Marker Testing, 213–14

■ INDEX

AFFIDAVITS (*cont'd*)

- Affidavit in Support of Motion for Temporary Orders, 41–42
- Affidavit in Support of Opposition to Motion for Custody/Visitation, 45–46
- Affidavit in Support of Plaintiff's Removal Request, 379–80
- Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs, 27–28
- Affidavit of Petitioner for Adoption, 416
- Military Affidavit, 149

Summary judgments, 446, 447

AGREEMENTS

See SEPARATION AGREEMENTS;
STIPULATION AGREEMENTS

AIDS ACTION COMMITTEE, 505, 537

AIDS HOTLINE, 537

AL-ANON, 537

ALCOHOL AND DRUG HOTLINE, 537

ALIMONY, 133

- Bankruptcy, effect, 186
- Child support relation to, 188–89
- Defined, 539
- Factors determining, 184–85
- Modifications to, 189, 427–28, 431
- Postdivorce determination of, 423
- Rehabilitative, 185
- Separate support compared, 107
- Termination of, 185–86, 189, 437–38
- Types of payment, 185

THE ALLIANCE FOR CHILDREN, INC., 525

ALTERNATIVE DISPUTE RESOLUTION

See also MEDIATION
Local coordinators, 487–88

ALTERNATIVE HOUSE, 491, 521

ALTERNATIVES FOR COMMUNITY AND ENVIRONMENT, 494, 511

AMERICAN BAR ASSOCIATION, 479

AMERICAN IMMIGRATION LAWYERS ASSOCIATION, 513, 530

AMERICAN-INTERNATIONAL CHILDREN'S ALLIANCE, INC., 524

ANGEL ADOPTIONS, 525

ANONYMOUS HIV TESTING, 537

ANSWERS, 16

- Contempt complaints, 458–59
- Custody complaints, 252
- Defined, 539
- Divorce complaints, 127
- Filing, 16, 252
- Modification complaints, 435–36
- Paternity complaints, 198
- Sample forms
 - Answer Admitting Paternity, 219
 - Answer and Counterclaim to Complaint for Divorce, 36–37
 - Answer Denying Paternity, 220
 - Answer of Defendant to Complaint for Divorce, 140–41
 - Answer to Complaint for Contempt, 466

ANTICIPATED DAMAGES, 187

A-NUMBER, 352

APPEALS, 467–76

- Briefs in, 473–74
- Confidential information, preserving, 474
- Costs of, 471, 475
- Damages awarded in, 475
- Decision in, 475
- Definition of, 434, 468, 539
- Direct appellate review, 472–73
- Docketing, 472
- Final judgments, 470
- Further, 475
- Hearing for, 470
- Name change, 434
- Notice of appeal, 471
- Oral argument in, 474
- Procedures for, 469–70
- Reasons to appeal, 470–71
- Record on, 471–72
- Timing of, 468–69

APPEALS COURT

- Jurisdiction of, 469, 472–73
- Single justice sessions, 469, 470

APPEARANCE FORM, 384, 385

Sample, 399

ARBITRATION, 539

ARCH/YWCA OF WESTERN MASSACHUSETTS, 492

ARREARAGES

Alimony, 438
 Child support, 232, 440, 444
 Defined, 539

ASIAN AMERICAN CIVIC ASSOCIATION, 513, 530

ASIAN SHELTER AND ADVOCACY PROJECT, 490

ASSETS

See also PROPERTY
 Defined, 539

ASSISTANT REGISTERS OF PROBATE, 5, 13

ASSOCIATION FOR CONFLICT RESOLUTION, 529

ASSOCIATION OF FAMILY AND CONCILIATION COURTS (AFCC), 479

ASYLEES, 351

ATTORNEYS

Appointed, 90, 91–92, 460
 Attorney-client privilege, 24
 Need for, 2–3, 107, 258, 456, 460
 Negotiations with, 449

B

BANK ACCOUNTS, 187

BANKRUPTCY, 186

THE BAR ASSOCIATION OF NORFOLK COUNTY, 515

BATTERED WOMEN SHELTERS, 83

Advocates from, 81
 List of, 490–93

BATTERED WOMEN'S RESOURCES, 490–93

BATTERED WOMEN'S SYNDROME, 539

BENEFICIARIES, IMMIGRANTS, 354–55

BENTLEY LOW INCOME TAXPAYER CLINIC, 515

BERKSHIRE CHILDREN AND FAMILIES, 524

BERKSHIRE MEDIATION SERVICES, 528

BEST INTEREST OF THE CHILD, DEFINED, 539

BETH ISRAEL HOSPITAL, 81

BETHANY CHRISTIAN SERVICES, 524

BIRTH CERTIFICATES

Adoption proceedings, 408, 410
 Father's name on, 193–96
 Name change proceedings, 422
 Sources of, 408

BOARD OF BAR OVERSEERS, 3

BOND FORM, 383
 Sample, 393

BOSTON ADOPTION BUREAU, 523

BOSTON AREA RAPE CRISIS CENTER, 490

BOSTON BAR ASSOCIATION LAWYER REFERRAL SERVICE, 516

BOSTON COLLEGE LEGAL ASSISTANCE BUREAU, 494–95

BOSTON MEDICAL CENTER SOCIAL WORK DEPARTMENT, 81

BRIEFS, APPELLATE, 473–74

BRIGHAM AND WOMEN'S HOSPITAL, 81

BRIGHT FUTURES ADOPTION CENTER, 523

BROCKTON FAMILY AND COMMUNITY RESOURCES, 82, 490, 521

BROOKLINE METROPOLITAN MEDIATION SERVICES, 526

BUILDING WILL RECLAIMING INDEPENDENCE, 491

BURDEN OF PROOF

Child support, 133, 231
 Defined, 539
 Divorce, 133
 Paternity, 195
 Restraining orders, 87

C

CAMBRIDGE ADOPTION RESOURCE ASSOCIATES, 523

■ INDEX

CAMBRIDGE AND SOMERVILLE LEGAL SERVICES (CASLS), 495

CAMBRIDGE DISPUTE SETTLEMENT CENTER, 479, 526

CAMBRIDGE ECONOMIC OPPORTUNITY COMMITTEE, 511–12

CAMBRIDGE FAMILY AND CHILDREN'S SERVICE, 523

CAPE MEDIATION, 528

CARE AND PROTECTION PROCEEDING, 90–91, 539

CARI RECORD CHECK, 288, 409
Intake Sheet for CARI Search, sample, 417

CASA MYRNA VASQUEZ, 490, 506, 511

CASE MANAGEMENT CONFERENCE, 16–17
Sample request, 49–50

CATHOLIC CHARITABLE BUREAU OF BOSTON, 513, 530

CATHOLIC CHARITIES
Diocese of Worcester, 524, 525
Greater Boston, 513, 530
Refugee and Immigration Services, 530

CENTER FOR PUBLIC REPRESENTATION (CPR), 508

CENTRO PRESENTE, 513, 530

CERTIFICATE OF ADOPTION, 423

CERTIFICATE OF SERVICE, 250

CHANGE OF NAME
See NAME CHANGE

CHILD ABUSE, 43, 88
No privilege when, 24, 26, 480–81
Online resources for, 534

CHILD ADOPTION ASSOCIATES, 525

CHILD AND FAMILY SERVICES, INC., 524

CHILD CUSTODY
See CUSTODY

CHILD SUPPORT, 225–42

Alimony and property division
relation to, 188–89

Amount of, 229–30

Arrearages in, 232, 440, 444

Bankruptcy, effect, 186

Burden of proof in, 133, 231

Collection, 232

Complaint, 228–29

Contempt of court for nonpayment, 233

Disabled children, 228

DOR in, 234

Duration of, 233

Enforcement of orders, 233

Filing procedures for, 15, 228–29

Guidelines for

See CHILD SUPPORT GUIDELINES

Hearings for, 231–32

In-kind, 230

Interstate enforcement, 235

Modifications to, 189, 234, 258, 436–37, 438–40, 443–54

Arrearages in, 444

Barred in agreement, 443–44

Consistency with current law, 444

Discovery in, 448

Older than age 18, 227–28

Online resources for, 533–34

Payors of, 227

Disability recipient, 230

Loss of job, 233–34

Obligations of, 231

Social Security Disability Insurance recipient, 230

Underemployed, 230

Unemployed, 230

Prehearing preparation, 230–31

Protection orders conflicting with, 77–78

Recipients of, 227

Removal, 373–74

Sample forms

Complaint for contempt, 239

Complaint for child support, 236

Motion for Child Support, 236

Motion to Reduce Child Support, 240

Proposed Temporary Order, 241

Service of complaint, 229

Temporary Aid to Families with Dependent Children
benefits, relationship, 234–35

Unmarried parents, 201, 227

Visitation relation to, 227, 233

Welfare benefits, relationship, 234–35

Willful failure of, 234

CHILD SUPPORT ENFORCEMENT, 506, 534

CHILD SUPPORT GUIDELINES, 569–76

Deviation from, 230
 Formula for, 201, 229–30, 237
 Use of, 133, 201, 226, 229–30
 Worksheet, 237, 238

CHILD WITNESS TO VIOLENCE PROJECT, BOSTON, 82**CHILDREN**

See also ADOPTIONS; CHILD SUPPORT;
 CUSTODY; GUARDIANSHIP OF MINOR;
 REMOVAL; VISITATION

Born out of wedlock

Adoption of, 405, 406, 407–08

Custody of, 196, 202, 248

Name change for, 423

Support of, 228, 429

Danger to by visitation, 262

Definition of, 226

Disabled, 228

Effects of domestic violence on, 84–85

Immigrant, 352

Derivative status of, 354

Preferences for, 353

Juvenile special immigrants, 356

Name change for, 420, 423

Trauma signs and symptoms, 84–85

Visitation refused by, 261–62

CHILDREN’S CHARTER, WALTHAM, 82**CHILDREN’S FRIEND, 525****CHILDREN’S HOSPITAL, 80****THE CHILDREN’S INTERNATIONAL ADOPTION PROJECT, INC., 524****CHILDREN’S INTERNATIONAL CHOICE, 523****CHILDREN’S LAW CENTER OF MA, INC., 505****CHILDREN’S MEDICAL SECURITY PLAN, 537****CHILDREN’S SERVICES OF ROXBURY, 523****CHILDREN’S TRUST FUND, 538****CHILDREN’S VISITATION PROGRAM, 521****CHINA ADOPTION WITH LOVE, INC., 523****CITATIONS, 384, 407, 409**

Sample, 418–19

CIVIL CASE, DEFINED, 539**CIVIL CONTEMPT, 456–57****CLERKS OF COURT, 5, 13****COMMON LAW, DEFINED, 539****COMMUNITIES FOR PEOPLE, 523****COMMUNITY ACTION AGENCY OF SOMERVILLE, 512****COMMUNITY CARE SERVICES, INC., 525****COMMUNITY DISPUTE SETTLEMENT CENTER, INC., 526****COMMUNITY LEGAL SERVICES AND COUNSELING CENTER, 495, 513, 530****THE COMMUNITY MEDIAITON CENTER, 529****COMPLAINTS**

Abuse actions, 15

Child support actions, 15, 228–29

Contempt actions, 15, 233, 263, 267–68, 457–58

Criminal, 70

Custody actions, 15, 248–49, 269–70

Definition of, 14, 539

Divorce actions, 14

Modification of

See MODIFICATIONS

Motions compared, 18

Paternity actions, 15, 196

Sample forms

Complaint for Authorization to Remove
 Minor Child from the
 Commonwealth, 368–69

Complaint for Contempt, 239, 278, 464

Complaint for Divorce, 139

Complaint for Modification, 452

Complaint for Protection from Abuse, 93–95

Complaint for Separate Support, 114–15

Complaint to Establish Paternity, 209

Complaint to Rescind Paternity

Acknowledgment, 217–18

Guardianship of Minor Complaint, 392

Separate support actions, 15, 109

Service of, 15–16, 109–10, 197–98, 229, 435, 458

Visitation actions, 15

CONDITIONAL PERMANENT RESIDENCE (CPR), 355–56

Purpose of, 353

Removal of conditional status, 360, 363

■ INDEX

CONFIDENTIALITY

Interpreters, 14
Mediation, 480–81
Privileged communications, 23–26

CONTEMPT, 455–66

Agreement between parties, effect, 456
Checklist
 For party filing complaint, 462
 For party served with complaint, 463
Defendant actions in, 458–59
 Checklist for party served with complaint, 463
 Preparation, 459
Definition of, 456, 539
Financial statement in, 459
Hearing proceedings, 460–61
Plaintiff actions in, 457
 Checklist for party filing complaint, 462
 Filing procedures, 457–58
 Preparation, 459
 Reasons for filing, 15, 263, 267, 457
Preparation for proceedings, 459
Sample forms
 Answer to Complaint for Contempt, 466
 Complaint for Contempt, 239, 278, 464
 Contempt Summons, 465
Types of, 456–57

COPYRIGHTS, 187

CORNELL LAW SCHOOL'S LEGAL INFORMATION INSTITUTE, 535

COSTS

See FEES

COUNSELING, 81–82

COUNSELORS, 26

COUNTERCLAIMS, 16

Divorce actions, 127
Sample Answer and Counterclaim to Complaint for Divorce, 36–37, 140–41

COUNTERVAILING EQUITIES, 441–42

COURT OF RECORD, DEFINED, 540

COURT OFFICERS, 5, 132, 540

COURT ORDERS

See ORDERS

COURT RECORD, 540

COURT SYSTEM, 4–6

See also PROBATE AND FAMILY COURTS
Accessibility of, 13–14
Courts in, 4
Overview of, 6
Personnel of, 4–5, 132, 482

CRIMINAL CONTEMPT, 456–57

CUSTODIAL INTERFERENCE, 266–68

CUSTODIAL PARENTS, 193, 229

CUSTODY, 243–280

Checklist, 271–72
Child's wishes, weight given, 253
Courts for, 252
Defined, 540
DSS involvement in, 91–92
Evidence for, 254–58
Expert evaluations for, 257–58
Factors in decisions, 253–54
Grandparent actions for, 269
Hearing preparation, 254–57
Hearings for, 251–52
Interstate, 263–65
Joint legal, 245, 246, 541
Joint physical, 245, 246, 541
Married parents, 246, 248
Modifications to order, 248, 258–59, 440
Online resources for, 533–34
Procedures for, 15, 248–52
Proof for, 133
Protection orders conflicting with, 77–78
Removal, permission for, 368
Sample forms
 Affidavit Disclosing Care or Custody Proceedings, 150–52
 Affidavit in Support of Opposition to Motion for Custody/Visitation, 45–46
 Emergency Ex-Parte Motion to Produce Minor Child, 279–80
 Motion for Custody, 210
 Opposition to Defendant's Motion for Custody/Visitation, 43–44
 Petition for Writ of Habeas Corpus, 176–77
Sole legal, 245, 246, 543
Sole physical, 245, 246, 543
Temporary, 250–51, 367
Therapy privilege exceptions for, 25–26
Types of, 245–46
Unmarried parents, 196, 202, 246, 248
Visitation relationship to, 246–47

D**DARE FAMILY SERVICES, INC.**, 523**DAYBREAK RESOURCES FOR WOMEN AND CHILDREN**, 493**DEAFNESS**, 13–14**DEBTS, PAYMENT OF**, 188**DECREE OF ADOPTION**, 407, 410**DEFENDANT, DEFINED**, 540**DEPARTMENT OF SOCIAL SERVICES (DSS)**, 88–92, 540

Adoption agency role, 522

Appeals to, 90

Care and protection proceedings, 90–91

Domestic violence units, 520

Family assessment, 90

51A report to, 88

Findings of, 89

Home studies by, 405, 406, 409

Interviews by, 89

Investigations by, 88–89

Parental Registration Division, 407

Probate and Family Court involvement with, 91–92

Reasons for involvement, 88

Records, 92

Resource, 91

Service plan, 90–91

DEPARTMENT OF TRANSITIONAL ASSISTANCE, 384, 538**DEPENDENT CHILDREN, DEFINED**, 540**DEPOSITIONS**, 20, 540**DEPRESSION AFTER DELIVERY**, 537**DISABILITY LAW CENTER, INC. (DLC)**, 495–96, 505–06, 508–09**DISCOVERY**, 19–20

Custody modification actions, 448

Defined, 540

Modification actions, 448

Sample forms

Interrogatories Propounded by the Defendant to be Answered by the Plaintiff, 53–65

Request for Production of Documents, 56–57

Support actions, 231, 448

DISPOSITIONAL HEARING, 540**DISPUTE INTERVENTION***See* MEDIATION; PROBATION OFFICERS**DISPUTE RESOLUTION SERVICES**, 528–29**DISTRICT COURT**, 4, 72, 109, 196, 248, 249–50**DIVISION OF PROPERTY***See* PROPERTY**DIVORCE**, 121–91*See also* SEPARATION AGREEMENTS

Checklist for, 134–45

Counterclaims in, 127

Defenses to, 127

Fault, 125–26, 127, 130–31

Filing procedures, 134–35

Foreign decrees of, 128

Hearings for, 129–33

Burden of proof in, 133

Evidence in, 131–32

Procedures for, 132–33

Questions in, 130–31

Requesting, 129–30

Timing of, 129

Witnesses in, 131

Interstate decrees of, 128

Jurisdiction in, 123–24

Legal separation compared, 123

Modifications to decrees, 433

Name change in, 422

No-fault, 124–25

By complaint, 14, 125

By joint petition, 14, 124–25

Property division in, 186–88, 433, 436

Removal and, 367

Sample forms

Affidavit Disclosing Care or Custody Proceedings, 150–52

Affidavit in Support of Complaint for Divorce: Irretrievable Breakdown of the Marriage, 137–38

Annotated Separation Agreement, 142–47

Answer and Counterclaim of Defendant to Complaint for Divorce, 140–41

Answer and Counterclaim to Complaint for Divorce, 36–37

Complaint for Divorce, 139

Court Order for Costs and Fees, 168

DPH Registry of Vital Records and Statistics Certificate of Absolute Divorce or Annulment, 148

Joint Petition for Divorce, 136

Military Affidavit, 149

Motion for State Payment of Fees and Costs, 167

Plaintiff's Pretrial Memorandum, 159–62

■ INDEX

DIVORCE (*cont'd*)

Sample forms (*cont'd*)

Qualified Domestic Relations Order, 163–64

Separation Agreement, annotated, 142–47

Separate support compared, 106–07, 123

DIVORCE JUDGMENT, 124–25

DIVORCENET, 533

DOCKET NUMBERS, 197, 384

DOMESTIC RELATIONS

SUMMONS, 435

Contempt, 16

Filing, 197, 198

Sample form, 65–66

Service of, 15–16, 109–10, 197–98, 435, 458

DOMESTIC VIOLENCE, 69–103

See also RESTRAINING ORDERS;

SAFETY PLANNING

Court selection, 71–72

Custody with, 253–54, 262

Presumptions in, 253–54

Temporary, 263, 367

DSS involvement in, 88–92

Effects on children, 84–85

Immigration and, 359–63

Batterer deportation, 363

Conditional status removal, 360

Deportation suspension, 361–62

Political asylum, 362

Self-petitioning, 360–61

Mediation with, 78, 478

Registry, 540

Resources for, 80–82, 520, 532

Sample forms

Abuse Prevention Order, 96–98

Complaint for Protection from Abuse, 93–95

Motion to Impound Address, 99

Safety plan, 100–03

Separate support actions, 135–37

Temporary order hearings, 75, 76

Ten-day hearing, 73, 76

DOMESTIC VIOLENCE

ADVOCATES, 72–73, 80–81

DOMESTIC VIOLENCE COUNSELORS, 26

DOR

See MASSACHUSETTS DEPARTMENT OF REVENUE (DOR)

DOVE, INC., 492

DOWNEY SIDE, INC., 525

DPH REGISTRY OF VITAL

RECORDS AND STATISTICS CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT

Sample, 148

DSS

See DEPARTMENT OF SOCIAL SERVICES (DSS)

DUE PROCESS, 540

E

EARLY INTERVENTION SERVICES PROGRAM, 538

EARNING CAPACITY, 540

ELIZABETH FREEMAN CENTER, 492, 521

ELIZABETH STONE HOUSE, 491

EMERGENCY RESPONSE SYSTEM, 540

EQUITY, DEFINED, 540

EVERYWOMAN'S CENTER, 490

EVIDENCE, 2

See also WITNESSES

Divorce proceedings, 131–32

Domestic violence hearings, 74–75

Paternity proceedings, 195, 200

Removal proceedings, 372

EX PARTE, DEFINED, 540

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), 351

EXECUTIVE OFFICE OF ELDER AFFAIRS, 509, 511

EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM, 537

EXPERT WITNESSES, 21

Custody evaluations by, 257–58

Motion for Funds for Expert Witness, sample, 60

EXTRA FEES AND COSTS, 13

F

FAMILY LAW, SOURCES OF, 10–11

FAMILY SERVICE OFFICE, 11–12
See PROBATION DEPARTMENT; PROBATION OFFICERS

FATHERS

See also GENETIC-MARKER TESTING; PATERNITY
 Lawful, 405
 Married, 195, 248
 Unmarried
 Custody, 196, 201, 227, 248
 Parental responsibility claim, 406–08
 Paternity equity complaint, 196

FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT HOME PAGE, 534

FEES

Docket, appeal, 472
 Expert witness, 21
 Filing, 249, 408, 422
 Payment of, 13
 Sample forms
 Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs, 27–28
 Court Order for Costs and Fees, 168
 Motion for State Payment of Fees and Costs, 167
 Types of, 13
 Waiver of, 131, 249, 383, 409

FINANCIAL STATEMENTS, 17, 19–20

Contempt proceedings, 459
 Definition of, 17, 541
 Sample forms
 Financial Statement long form, 173–81
 Financial Statement short form, 169–72
 Notice to Furnish Financial Statement, 38
 Support proceedings, 17, 110, 201, 230–31

FINDINGS, DEFINED, 541

F.I.N.E.X. HOUSE, 491

FLORENCE CRITTENTON LEAGUE, 524

FOSTER CARE, 89–91

IV-D AGENCIES, 373–74

FRAMINGHAM COURT MEDIATION SERVICES, FRAMINGHAM DISTRICT COURT, 526–27

FUEL ASSISTANCE PROGRAM, 537

FULL CIRCLE ADOPTIONS, 523–24

FULL FAITH AND CREDIT, DEFINED, 541

G

GAL

See GUARDIAN AD LITEM (GAL)

GARNISHMENT, 541

GAY & LESBIAN ADVOCATES & DEFENDERS (GLAD), 510, 532

GENETIC-MARKER

TESTING, 193–95, 199–201
 Court-ordered, 200
 DOR ordered, 199–200
 Motions for, 200–01
 Sample forms
 Affidavit in Support of Motion for Genetic-Marker Testing, 213–14
 Motion for Genetic-Marker Testing, 212

GOOD HOPE ADOPTION SERVICES, 525

GOOD NEIGHBOR ENERGY FUND, 537

GRANDPARENTS

Child support for, 227
 Custody actions by, 269
 Visitation rights of, 15, 269–70

GRANDPARENTS RAISING RANCHILDREN, 537

GREATER BOSTON LEGAL SERVICES (GBLS), 496–98

Elderly Legal Services, 496–97
 Employment Unit, 497
 Health Unit, 497
 Immigration Unit, 497, 513, 530
 Income Tax Clinic Project, 515
 Medicare Advocacy Project, 497–98, 510
 Welfare Unit, 498

GUARDIAN AD LITEM (GAL), 281–348

Advantages, 283
 Appointment of, 22
 Complaints against, 290
 Confidentiality of records, effect, 288–89
 Contempt proceedings filed by, 457
 Costs, 283, 284
 Defined, 281–82, 541
 Disadvantages, 283
 Dual roles prohibited, 289
 Duties, 282

■ INDEX

GUARDIAN AD LITEM (GAL) (*cont'd*)

Fees, 283, 284
Indigent parties, 284
Investigations by, 284–88, 410
Mandated reporter status, 288
Motion to appoint, 283–84
 Sample, 348
Qualifications, 290
Reports, 22, 287–88, 290
 Motion to Strike Portions of the Guardian ad
 Litem's Report, sample, 61–62
 Reviewing, 287–88
Safety issues, role, 289
Standards
 Category E GAL, 314–47
 Category F GAL, 291–313
Subpoenas for, 22
Types, 281–83

GUARDIANSHIP OF MINOR, 381–401

Checklist
 For party filing, 389–90
 For party opposing, 391
Definition of, 382
Filing procedures for, 383–84
Notice
 Certified mail, 384
 Published, 384
 Temporary guardianship, 385, 387
Opposition to petition, 385
 Checklist for, 391
Permanent, 388
Petitioners for, 382–83
 Checklist for, 389–90
Sample forms
 Affidavit Disclosing Care or Custody
 Proceedings, 150–52
 Affidavit in Support of Emergency
 Temporary Guardianship, 397
 Appearance form, 399
 Bond form, 393
 Guardianship of Minor Complaint, 392
 Motion for Temporary Guardianship, 396
 Motion to Remove Temporary Guardian, 400–01
 Notice of Guardianship with Return of Service,
 394
 Notice of Temporary Guardianship, 398
 Proposed Temporary Guardianship Order, 395
Temporary, 385–88

H

HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, 534

HAPPY CHILDREN ADOPTION SERVICES, INC., 525

HARBORCOV, 490

HARVARD DEFENDERS, 507–08

HARVARD LEGAL AID BUREAU, 498

HEALTH CARE FOR ALL, 509, 537

HEALTH INSURANCE

Alimony, 188
Child support, 119, 229, 439
Separate support, 111
Service organizations for, 497, 535

HEALTH LAW ADVOCATES, 509–510

HEALTHY START, 538

HEARING IMPAIRMENTS, 13–14

HEARINGS

See also specific action
Behavior at, 11, 132, 387, 460

HEARSAY, 22, 23

HELP FOR ABUSED WOMEN AND THEIR CHILDREN (HAWC), 492

HOME FOR LITTLE WANDERERS, 523

HOME STATE, 264, 367

HOME STUDIES, 405, 406, 409

Motion to Waive Home Study, sample, 415

I

ILLEGAL ALIENS, 352, 357

IMMIGRATION, 349–63

See also VISAS
Beneficiaries of, 354–55
Conditional permanent residence, 355–56, 360
Criminal issues, 357
Derivative status in, 354
Divorce effect on status, 350, 359
Domestic violence and, 359–63
Employment authorization, 357–58
Family based, 352–56
Family law and, 350
Governing law, 351
Health issues, 357
Petitioners for, 353
Process for lawful permanent residents, 354–55

IMMIGRATION (*cont'd*)

Public charge, 356–57
 Service organizations, 530–31
 Spousal relationship in, 353
 Status, 351–52
 Terms in, 351–52

INCOME ASSIGNMENTS, 232, 544

INDEPENDENCE HOUSE, 491

INDIGENCY, 13

Attorney appointed in, 90, 91–92
 Costs and fees waived/paid with, 13, 110, 131, 197,
 249, 284, 383, 407, 409, 435, 471
 Guardian ad litem, appointment, 284
 Sample forms
 Affidavit of Indigency and Request for
 Waiver, Substitution or State
 Payment of Fees and Costs, 27–28
 Court Order for Costs and Fees, 168
 Motion for Funds for Expert Witness, 60
 Motion for State Payment of Fees and Costs, 167

INJUNCTION, DEFINED, 541

INTERLOCUTORY REVIEW, 468–69, 541

INTERNATIONAL INSTITUTE OF BOSTON,
 513, 531

INTERNET RESOURCES, 533–36

INTERPRETERS, 13–14, 385

INTERROGATORIES, 20, 448

Defined, 541
 Interrogatories Propounded by the Defendant to Be
 Answered by the Plaintiff, sample, 53–55

INVESTIGATION

DSS, 88–89
 Guardian ad litem, 284–88, 410
 Probation officers, 12, 87, 282, 376–77, 410

INVESTIGATORS, 22

IRISH IMMIGRATION CENTER, 513–14, 531

J

JANE DOE, INC., 534

JEANNE GEIGER CRISIS CENTER, INC., 492

JEWISH FAMILY SERVICE

Adoption Options, 524

Bet Tzedek of Boston, 498–99
 Worcester, 525

**JOINT PETITION FOR
 DIVORCE**, 124–25

Modifications to, 433–34
 Sample form, 136

JUDGES, 4–5

Behavior before, 11, 132, 203, 387, 460
 Discretion of, 469
 Opinions of, 475
 Questions of, 130–31

JUDGMENT

See also SUMMARY JUDGMENT
 Appeal of, 470
 Defined, 541
 Divorce, 124–25, 408
 Divorce Nisi, 433, 470
 Final, 19, 204
 Modification to
 See MODIFICATIONS

JURISDICTION

Appellate, 469, 472–73
 Custody, 263–65
 Definition of, 123, 541
 Divorce, 123–24
 Long-arm, 541
 Personal, 123–24, 183
 Subject matter, 124

L

LAMB WARNING, 22

LAWFUL FATHERS, 405

LAWFUL MOTHERS, 405

LAWFUL PERMANENT RESIDENTS (LPR)

Definition of, 351
 Procedures for, 354–55

LAWYERS

See ATTORNEYS

**LAWYERS CLEARINGHOUSE ON
 AFFORDABLE HOUSING AND
 HOMELESSNESS**, 512

LAY WITNESSES, 21

LDS FAMILY SERVICES MA AGENCY, INC.,
 523

■ INDEX

LEAVING STATE

See REMOVAL

LEGAL ADVOCACY RESOURCE CENTER (LARC) OF THE BOSTON BAR ASSOCIATION, 494

LEGAL ASSISTANCE CORPORATION OF CENTRAL MASSACHUSETTS, 499

LEGAL CUSTODY

Shared, 202, 245, 246, 541

Sole, 245, 246, 543

LEGAL SEPARATION

Definition of, 107

Divorce compared, 123

Separate support compared, 107–08

LEGAL SERVICES

Offices for, 494–516

Online information on, 533

LEGAL SERVICES CENTER, 499, 505

LIZZIE’S LAW, 261

LONG-ARM JURISDICTION, DEFINED, 541

LOVE THE CHILDREN OF MASSACHUSETTS, 523

LUTHERAN COMMUNITY SERVICES OF SOUTHERN NEW ENGLAND, 525

M

MANDATORY SELF-DISCLOSURE, 20

MAPS INTERNATIONAL, 523

MARBLEHEAD COUNSELING CENTER, INC., 527

MARITAL HOME, 186–87

MARITAL THERAPIST PRIVILEGE, 26

MARRIAGE

Effect on paternity issues, 205

Immigration and, 353

MARRIAGE CERTIFICATES, 131, 132, 408

MARTHA’S VINEYARD COMMUNITY SERVICES, 491, 493

MARTHA’S VINEYARD MEDIATION PROGRAM, 529

MASSACHUSETTS ADOPTION RESOURCE EXCHANGE (MARE), 522

MASSACHUSETTS ADVOCATES FOR CHILDREN, 506

MASSACHUSETTS ALLIANCE OF PORTUGUESE SPEAKERS, 514–15

MASSACHUSETTS BAR ASSOCIATION (MBA), 479, 515

Lawyer Referral Panel, 468, 516

MASSACHUSETTS CHILD SUPPORT ENFORCEMENT, 506, 534

MASSACHUSETTS COALITION FOR BATTERED WOMEN SERVICE GROUPS, 534

MASSACHUSETTS COMMISSION ON PROBATION, 70

MASSACHUSETTS COMMITTEE FOR CHILDREN AND YOUTH, 538

MASSACHUSETTS CORRECTIONAL LEGAL SERVICES, 508

MASSACHUSETTS COUNCIL ON FAMILY MEDIATION, 529

MASSACHUSETTS DEPARTMENT OF REVENUE (DOR)

Child Support Enforcement Division

(DOR/CSE), 228, 232, 234, 374, 384, 506, 540

Notice to, 198

Notification of contempt complaint, 458

Paternity proceeding involvement by, 199–200, 204

Support involvement by, 228, 234

Enforcement, 232, 234, 384

Information from, 448

Modifications services, 204, 449–50

Order review, 204

Payment through, 232, 374

Temporary orders, 447

MASSACHUSETTS FAMILY NETWORK, 538

MASSACHUSETTS GENERAL HOSPITAL, 81

MASSACHUSETTS IMMIGRANT AND REFUGEE ADVOCACY COALITION (MIRA), 531

MASSACHUSETTS JUSTICE PROJECT, 499–01

**MASSACHUSETTS LAW REFORM
INSTITUTE (MLRI)**, 1, 508

**MASSACHUSETTS LEGAL ASSISTANCE
CORPORATION (MLAC)**, 499

**MASSACHUSETTS LESBIAN AND GAY BAR
ASSOCIATION (MLGBA)**, 479

**MASSACHUSETTS SOCIETY FOR THE
PREVENTION OF CRUELTY TO CHILDREN**,
538

MASSACHUSETTS STATE POLICE, 267

MASSHEALTH SERVICE CENTER, 538

MEDIATION, 3–4, 477–88

See also MEDIATORS

Abuser as party to, 78, 478

Advantages of, 478

Agreements from, 484–85

Court-ordered, 480, 481–82

For restraining order, 78

Definition of, 479–80, 541

Organizations for, 526–29

Preparation for, 482–84

Private, 480

Probation officers

See PROBATION OFFICERS

Services, list, 526–29

**THE MEDIATION & TRAINING
COLLABORATIVE**, 527

MEDIATION SERVICES, INC., 527

MEDIATORS

Confidentiality of, 480–81

Impartiality of, 481

Privilege, 25

Selection, 478–79

Skills, 481

Training, 480

MEDICAID/MASSHEALTH, 538

MEDICAL RECORDS, 22–23, 75

MEETING PLACE, 521

**MENTAL HEALTH LEGAL ADVISORS
COMMITTEE (MHLAC)**, 500, 510

**MERRIMACK VALLEY-NORTH SHORE
LEGAL SERVICES, INC.**, 500

METROPOLITAN MEDIATION SERVICES, 526

**MIDDLESEX CHANGE OF NAME
GUIDELINES**, 426–27

**MIDDLESEX COUNTY BAR ASSOCIATION
LEGAL CLINIC**, 515

MILITARY AFFIDAVITS, 129

Sample, 149

MINOR, DEFINED, 541

MODIFICATIONS, 429–53

Alimony orders, 189, 436–40, 443

Answers to complaints, 435–36

Complaint for Modification, 15, 434–35

DOR filing of, 447, 449–50

Elements of, 258–59

Filing of, 434–35, 449–50

Sample, 452

Custody orders, 248, 258–59, 440

Decision for, 449

Defined, 542

Discovery in, 448

Division of property, 436

Divorce decrees, 433

DOR initiated, 447, 449–50

Due to clerical mistake, 432

Effect on agreements, 440–45

Hearing for, 448–49

Overview, 431–32

Procedures for, 432–36

Removal, 369

Restraining orders, 79

Separation agreements, 433

Summary judgment in, 445–47, 451

Support orders, 436–40, 449–50

Child, 189, 204, 234, 436–37, 438–40, 443–44

Spousal, 185, 189, 436–38

Temporary orders, 434

Temporary orders for, 447–48

Visitation orders, 248, 259, 440

MOTHERS

Consent to adoption, 405–08

Lawful, 405

Unmarried, 196, 227, 406

MOTION HEARINGS

Preparation for, 203

Procedures at, 19, 110–11, 203, 387

Scheduling, 18, 110

MOTION IN LIMINE, 542

MOTIONS, 18–19

Complaints compared, 18

■ INDEX

MOTIONS (*cont'd*)

- Definition of, 18, 542
- Emergency, 199, 387
- Procedures for, 18
- Responding to, 19
- Sample forms
 - Blank Motion Form, 165–66
 - Emergency Ex-Parte Motion to Produce Minor Child, 279–80
 - Motion for Child Support, 236
 - Motion for Custody, 210
 - Motion for Funds for Expert Witness, 60
 - Motion for Genetic-Marker Testing, 212
 - Motion for Separate Support, 116
 - Motion for State Payment of Fees and Costs, 167
 - Motion for Temporary Guardianship, 396
 - Motion for Temporary Orders, 39–40
 - Motion for Visitation, 211
 - Motion to Impound Address, 99
 - Motion to Reduce Child Support, 240
 - Motion to Remove Temporary Guardian, 400–01
 - Motion to Strike Portions of the Guardian ad Litem's Report, 61–62
 - Motion to Waive Home Study, 415
 - Opposition to Defendant's Motion for Custody/Visitation, 43–44
- Temporary orders, 198–99

MUTUAL RESTRAINING ORDERS, 77, 374

N

NAME CHANGE, 421–27

- Adoption, 422–23
- Child born out of wedlock, 423
- Common law, 421
- Divorce, 422
- Middlesex Change of Name Guidelines, 426–27
- Petition, 421–22, 424–25
- Procedure, 421–22

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, 267, 533–34

NATIONAL LAWYER GUILD, 514, 516, 531

NECESSITIES/NECESIDADES, 492

NEIGHBORHOOD LEGAL SERVICES, INC., 500–01, 533

NEW BEDFORD CHILD & FAMILY SERVICE, 524

NEW BEDFORD WOMEN'S CENTER, 492

NEW BEGINNINGS/YWCA OF WESTERN MASSACHUSETTS, 493

NEW CENTER FOR LEGAL ADVOCACY, 501–02

NEW ENGLAND HOME FOR LITTLE WANDERERS, 523

NEW ENGLAND LEARNING CENTER FOR WOMEN IN TRANSITION, 491

NEW ENGLAND SCHOOL OF LAW CLINICAL LAW OFFICE, 501

NEW HOPE, INC., 490, 492, 493

NEW HOPE FAMILY VISITATION CENTER, 521

NONCUSTODIAL PARENTS

- See also* VISITATION
- Cohabiting, 261
- Dangerous, 262
- Jailed, 261
- Kidnapping by, 266–68
- Mentally ill, 261
- Unemployed, 230

NONIMMIGRANTS, 351–52

NORFOLK COUNTY PROGRAM, 515

NORMAL FEES AND COSTS, 13

NORTH ESSEX MEDIATORS, 527

NORTH SHORE COMMUNITY MEDIATION, INC., 526

NORTH SHORE RAPE CRISIS CENTER, 490

NOTICE

- Appeal, 471
- Contempt proceeding, 458
- Custody proceeding, 250
- DOR, 198, 458
- DOR proposed modification, 450
- Guardianship
 - Certified mail, 384
 - Motions, 385
 - Orders, 387
 - Published, 384
- Motions, 199
- Sample forms
 - Notice of Guardianship with Return of Service, 394
 - Notice of Temporary Guardianship, 398
 - Notice to Furnish Financial Statement, 38

O**OPEN DOOR SOCIETY**, 538**OPINIONS**, 475**ORDERS**, 18*See also* PROPOSED ORDERS;
TEMPORARY ORDERS

Interstate, 235

Modification of

See MODIFICATIONS

Permanent Restraining Orders, 188

Sample forms

Abuse Prevention Order, 96–98

Court Order for Costs and Fees, 168

Qualified Domestic Relations Order, 163–64

Supplemental Order—Visitation Issues, 273–75

OUR SISTER’S PLACE, 490**P****PAIR PROJECT**, 514, 531**PARENT EDUCATION PROGRAM
ATTENDANCE**, 12–13

Approved program providers, 153–58

PARENTAL KIDNAPPING, 266–68**PARENTAL STRESS LINE**, 538**PARENTING COORDINATOR**, 283**PARENTS***See also* FATHERS; MOTHERS; PATERNITY

Custodial, 193, 229

Immigration of, 352

Kidnapping by, 266–68

Married, 207, 248

Noncustodial, 230, 261–62

Permission for removal, 366, 368

Unfit, 269, 382, 386

Unmarried, 196, 202, 227, 246, 248

PARENTS ANONYMOUS, 538**PAROLEES**, 352**PATENTS**, 187**PATERNITY**, 191–223*See also* GENETIC-MARKER TESTING

Acknowledgment of, 193–95

Rescission of, 194

Timing of, 195–96

Burden of proof for, 195

Checklist

For party filing complaint, 206–07

For party served with complaint, 208

Child support with, 201

Courts for, 196

Custody and, 196, 202

Defendant actions in

Answers, 198

Checklist, 208

Establishment of, 193–96

Filing procedures for, 15, 196–98

Forms for, 196–98

Hearings for, 203

Judgments of, 204

Marriage, effect, 205

Modification of orders, 204

Parental responsibility claims, 409

Plaintiff actions in

Checklist, 206–07

Procedures, 196–98

Presumption of, 193, 195, 200

Removal and, 367

Sample forms

Affidavit of Nonpaternity, 223

Answer Admitting Paternity, 219

Answer Denying Paternity, 220

Complaint to Establish Paternity, 209

Complaint to Rescind Paternity

Acknowledgment, 217–18

Motion for Child Support, 236

Motion for Custody, 210

Motion for Visitation, 211

Proposed Temporary Order, 215–16

Stipulation for Voluntary Acknowledgment of

Parentage, 221–22

Temporary orders for, 198–99

Timing of establishment, 195–96

Trials for, 204

Visitation and, 196, 202, 259

PENDENTE LITE, 542**PENSIONS**, 187–88**PERJURY**, 542**PERMANENT RESTRAINING ORDERS**, 188**PERPETRATOR, DEFINED**, 542**PERSONAL JURISDICTION**, 123–24, 183**PETITION, DEFINED**, 542

■ INDEX

- PETITION FOR ADOPTION**, 408, 408
Sample, 411–12
- PETITION FOR REHEARING**, 476
- PETITION FOR WRIT OF HABEAS CORPUS**, 267–68
Sample, 276–77
- PHYSICAL CUSTODY**
Shared, 245, 246, 541
Sole, 245, 246, 543
- PLAINTIFFS**, 14
- PLANNED PARENTHOOD LEAGUE OF MASSACHUSETTS**, 537
- PLEADINGS**
See specific pleadings
- POLITICAL ASYLUM**, 362
- POVERTY**
See INDIGENCY
- PRETRIAL CONFERENCE**, 542
- PRETRIAL MEMORANDUM**, 19, 129, 204
Sample, 51–52, 159–62
- PRETRIAL NOTICE AND STANDING ORDER**, 19
Sample, 49–50
- PRIEST-PENITENT PRIVILEGE**, 284
- PRIMA FACIE CASE**, 542
- PRIMARY CARETAKERS**, 253, 255–56
- PRIVILEGED COMMUNICATIONS**, 23–26, 470, 542
- PRO BONO, DEFINED**, 542
- PRO BONO REFERRAL SERVICES**, 494–516
- PRO SE, DEFINED**, 542
- PRO SE LITIGANTS**, 2–3
- PROBATE AND FAMILY COURTS**, 10–26
Accessibility of, 13–14
Behavior in, 11, 132, 203, 387, 460
Case management conference, 16–17
 Sample request for, 49–50
DSS involvement in, 91–92
Fees and costs for, 13
Jurisdiction of, 4, 10, 108, 183, 193, 196, 248, 252, 443
List of, 517
Parent Education Program Attendance in, 12–13
Personnel, 4–5
Restraining orders in, 72
Time standards, 16–17
- PROBATION DEPARTMENT**, 11–12
See also PROBATION OFFICERS
Domestic violence, 87
Responsibilities of, 12
- PROBATION OFFICERS**
Contempt proceedings filed by, 457
Defined, 542
Mandated reporting by, 482
Recommendations by, 481–82
Responsibilities of, 5, 11–12, 87
 Dispute intervention, 3, 12, 78, 87, 110–11, 132, 203, 231, 251, 481–82, 483–84
 Investigation, 12, 87, 282, 386–87, 410
- PRODUCTION OF DOCUMENTS**
See REQUEST FOR PRODUCTION OF DOCUMENTS
- THE PROFESSIONAL ACADEMY OF CUSTODY EVALUATORS**, 533
- PROJECT BREAD**, 537
- PROPERTY**
Attachment, 112
Division, 186–88
 Child support relation to, 188–89
 Modifications to, 436
 Postdivorce, 433
Types of, 186–88
- PROPOSED ORDERS**, 18
Sample forms
 Defendant’s Proposed Order, 63
 Plaintiff’s Proposed Findings and Order, 64
 Proposed Temporary Guardianship Order, 395
 Proposed Temporary Order, 215–16, 241
Temporary orders, 199
- PROTECTIVE ORDERS**
See also RESTRAINING ORDERS
Defined, 542
- PSYCHIATRIST/PSYCHOLOGIST/PSYCHOTHERAPIST PRIVILEGE**, 25–26

Q

QUALIFIED DOMESTIC RELATIONS ORDER (QDRO), 188, 542
Sample, 163–64

R

RAPE CRISIS CENTER OF CENTRAL MASSACHUSETTS, 491, 493

RAPE CRISIS CENTERS, 81, 490–93

REAL PROPERTY, DEFINED, 542

RECORD ON APPEAL, 471–72

A RED THREAD ADOPTION SERVICES, INC., 524

REFUGEES, 351

REHEARING, PETITION FOR, 476

RELIGIOUS PRIVILEGE, 24

REMOVAL, 365–80

Applicability of law for, 367

Checklist, 375

Child support, 373–74

Defined, 542

Evidence for need, 372

Expediting hearing, 369–70

In-state move, 368

Permission for

From court, 366, 368–69

From other parent, 366, 368

Prehearing procedures, 369

Prevention of, 373

Proving need for, 371–72

Restraining orders in, 374

Sample forms

Affidavit in Support of Plaintiff's Removal Request, 379–80

Complaint for Authorization to Remove Minor Child from the Commonwealth, 377–78

Consent to Remove the Minor Children to Another State, 376

Shared physical custody, 371

Within state, 368

Without permission, 373

RENEWAL HOUSE, 492

RENEWAL PLACE, 490

REQUEST FOR ASSIGNMENT, 447–48

REQUEST FOR CASE MANAGEMENT CONFERENCE

Sample, 49–50

REQUEST FOR INFORMATION, 422

REQUEST FOR PRODUCTION OF DOCUMENTS, 20, 448

Sample, 56–57

REQUEST FOR TRIAL-PRETRIAL ASSIGNMENT FORM, 19

RES JUDICATA, 542

RESCRIPT, 475

RESIDENCE, 186–87

RESPOND, INC., 492

RESTRAINING ORDERS, 70–79

Abuse Prevention Order, sample, 96–98

Advantages of, 70–71

Burden of proof for, 87

Complaint and affidavit, 72

Costs, 79

Defense against, 77

Defined, 542

Eligibility for, 73–74

Emergency, 73

Evidence, 74–75

Extension, 78–79

Filing procedures, 71–73

Hearings, 75–76

Interstate transfer, 374

Limitations period, 74

Mediation, 78

Minors, 79

Modification, 79

Mutual, 77, 374

Orders conflicting with, 77–78

Permanent restraining orders, 188

Violations, 78

With separate support, 112–13

RETURN HEARING, 543

RETURN OF SERVICE, 15–16, 543

Sample, 394

REVOCAION, DEFINED, 543

ROYALTIES, 187

S

SAFE CHILD VISITATION CENTER, 521

A SAFE PLACE, 492

SAFETY PLANNING, 79–87, 289

Address in, 87
Checklist for, 82–83
Definition of, 82–83
Motion to Impound Address, sample, 99
Personalized Safety Plan, sample, 100–03
Resources for, 80–82
Visitation in, 83–87

SANCTIONS, 543

SELF-INCRIMINATION, PRIVILEGE AGAINST, 24–25

SEPARATE SUPPORT, 105–19

Alimony compared, 107
Courts for, 109
Definition of, 106
Divorce compared, 106–07, 123
Domestic violence, 135–37
Eligibility for, 108–09
Filing procedures for, 15, 109
Forms for, 109
Health insurance, 111
Hearing for, 110–11
Justifiable cause for, 108–09
Legal separation compared, 107–08
Relief in, 106, 111–13
 Abuse protection, 112–13
 Amount determination, 112
 Types of, 111–12
Removal and, 367
Sample forms
 Complaint for Separate Support, 114–15
 Domestic Relations Summons, 119
 Financial Statement Short Form, 117–18
 Motion for Separate Support, 116
Separation agreements, 108

SEPARATION AGREEMENTS, 127–28

Annotated Separation Agreement, sample, 142–47
Enforcement of, 441–43
Execution of, 127–28
Modifications to, 433, 440–45
Requirements of, 441
Separate support, 108
Types of, 440–41, 444–45
 Incorporated and surviving, 441, 442
 Merged, 440, 441

Nonincorporated, 441, 443
Surviving, 441–42, 442, 443

SERVICE

Complaints, 15–16, 109–10, 197–98, 229, 435, 458
Defined, 543
Genetic-marker testing orders, 199
Guardianship petitions, 383–84
Persons able to serve, 458
Proof of, 16, 384
Proposed temporary orders, 250
Summons, 15–16, 109–10, 197–98, 435, 458

SERVICES AGAINST FAMILY VIOLENCE, 491

SEXUAL ASSAULT COUNSELORS, 26

SHELTER LEGAL SERVICES, 502

SMALL CLAIMS ADVISORY SERVICE, 507

SOCIAL SECURITY NUMBERS, 357–58

SOCIAL WORKER-CLIENT PRIVILEGE, 24

SOCIETY OF PROFESSIONALS IN DISPUTE RESOLUTION (SPIDR), 479

SOLUTIONS FOR LIVING, 528

SOMERVILLE COMMUNITY CORPORATION, 512

SOUTH BAY MENTAL HEALTH CENTER, 82

SOUTH COASTAL COUNTIES LEGAL SERVICES, INC., 502–03

SOUTH MIDDLESEX LEGAL SERVICES, 503

SOUTH SHORE WOMEN’S CENTER, 492

SOUTHEASTERN ADOPTION SERVICES, 524

SPECIFIC PERFORMANCE, 443

SPOUSES

Immigration of, 353
Spousal privilege, 24
Support of
 See also ALIMONY; SEPARATE SUPPORT
 Health insurance, 188

SSTAR, 490

STANDING, DEFINED, 543

STANLEY STREET WOMEN’S CENTER, 490

STATUTORY LAW, DEFINED, 543

STAY, DEFINED, 543

STIPULATION AGREEMENTS

Defined, 543

Elements of, 484

Enforceability of, 485

Final agreements, 484–85

In mediation, 12, 231–32, 251–52, 484–85

SUBJECT MATTER JURISDICTION, 124

SUBPOENA DUCES TECUM, 543

SUBPOENA WITNESSES, 21–22, 131

SUBPOENAS

Defined, 543

For DSS worker, 92

Sample forms

Subpoena, 65–66

Subpoena with Officer's Return, 58–59

Use of, 20

SUMMARY JUDGMENT, 445–47

Affidavits, 446, 447

Checklist, 451

Defenses, 447

Motion, 445–46

Opposing, 446

Stipulated facts, 446

SUMMONS

See also DOMESTIC RELATIONS SUMMONS

Contempt summons, 16, 457–58

Sample, 465

Defined, 543

Service of, 435

SUPERIOR COURT, 72

SUPERVISED VISITATION, 85–87

Centers, 86, 521

Levels of restrictiveness, 86

Limited time visitation, 86–87

Need for, 85, 247, 262

Pick-up and drop-off, 85

SUPERVISED VISITATION AND PARENT SUPPORT PROGRAM, 521

SUPERVISED VISITATION CENTERS, 86, 521

SUPERVISED VISITATION PROGRAM, WOBURN COUNCIL OF SOCIAL CONCERN, 521

SUPPLEMENTAL SECURITY INCOME (SSI), 538

SUPPORT

See ALIMONY; CHILD SUPPORT; SEPARATE SUPPORT

SUPPORT COMMITTEE FOR BATTERED WOMEN, 493

SUPREME JUDICIAL COURT, 468

Direct appellate review by, 472–73

Jurisdiction of, 468, 475

Single justice sessions, 469

SURRENDERS, 405–06, 409

Sample form, 413–14

T

TEMPORARY ORDER HEARINGS

Custody, 251–52

Preparation for, 254–77

Restraining order, 75–76

TEMPORARY ORDERS, 18

Custody, 250–52

Defined, 543

Guardianship, 385–88

Modifications, 437–48

Modifications to, 434

Paternity, 198–99

Proposed, 250

Sample forms

Affidavit in Support of Motion for

Temporary Orders, 41–42

Motion for Temporary Orders, 39–40

Proposed Temporary Guardianship Order, 395

Proposed Temporary Order, 215–16, 241

Support, 110, 198–99

Types of, 18

TEN-DAY HEARINGS, 73, 76, 543

TENANT ADVOCACY PROJECT (TAP), 512

TESTIMONY, DEFINED, 543

THERAPISTS, MARITAL, 26

THERAPY RECORDS, 26

TIME STANDARDS, 16–17

TRANSCRIPT, DEFINED, 543

TRANSITION HOUSE, 490

■ INDEX

TRANSITIONAL AID TO FAMILIES WITH DEPENDENT CHILDREN (TAFDC), 234–35

THE TRAUMA CENTER, 82

TRAUMA SPECIALISTS, 92

TRIAL RECORDS, 471–72

TRI-CAP, INC., 503

TRUSTEE PROCESS, 543

U

UNDOCUMENTED PERSONS, 352, 357

UNIFORM INTERSTATE FAMILY SUPPORT ACT, 235

UNIFORM MATRIMONIAL, FAMILY & HEALTH LAWS, 535

UNITED HOMES FOR CHILDREN, 525

U.S. CITIZEN, 351

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), 351

U.S. CUSTOMS AND BORDER PROTECTION, 351

U.S. DEPARTMENT OF HOMELAND SECURITY, 351

U.S. DEPARTMENT OF STATE, 351, 355

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, 351

U-VISAS, 362–63

V

VACATE, DEFINED, 544

VALUATION, 544

VENUE, 109, 126, 252, 434–35, 544

VICTIM RIGHTS LAW CENTER, 514

VICTIM WITNESS ASSISTANCE PROGRAMS, 518–19

VISAS

Application for, 354–55

Fiancé/e, 355

Immigrant, 351

Juvenile special immigrant, 356

Nonimmigrant, 351–52

Petitions for, 353, 354

Preferences for, 353

U-visa, 362–63

Widow/widower, 356

VISITATION, 259–63

See also SUPERVISED VISITATION

Custody relationship with, 246

Definition, 246, 259, 544

Domestic violence and, 83–87

Grandparent, 15, 269–70

Hearing preparation, 254–57

Modification of orders, 248, 259, 440

Need for, 259

Negotiated agreement for, 259–60

Obligations in, 263

Options for, 246–47

Problems with, 260–63

Procedures for, 15, 248–52

Removal effect on, 368, 372, 373

Sample forms

Affidavit in Support of Opposition to Motion for Custody/Visitation, 45–46

Motion for Visitation, 211

Opposition to Defendant's Motion for Custody/Visitation, 43–44

Supplemental Order—Visitation Issues, 273–75

Support relation to, 227, 233

Termination of, 262

Unmarried parents, 202, 248, 259

VISITATION CENTERS, 521

VOLUNTARY PLACEMENT AGREEMENT, 91

VOLUNTEER LAWYERS FOR THE ARTS OF MASSACHUSETTS, INC., 503–04

VOLUNTEER LAWYERS PROJECT (VLP) OF THE BOSTON BAR ASSOCIATION, 504

W

WAGE ASSIGNMENTS, 232, 544

THE WAY TO BE HOME, INC., 524

WAYSIDE COUNSELING CENTER, 82

WAYSIDE YOUTH/FAMILY SERVICES/RAPE CRISIS CENTER, 491

WESTERN MASSACHUSETTS LEGAL SERVICES, 504–05

WIC, 537

WIDE HORIZONS FOR CHILDREN, INC., 525

WITNESSES

DSS as, 92

Expert, 21, 257–58

Subpoena, 21–22, 131

Subpoenas for, 20, 92

 Subpoena, sample, 65–66

 Subpoena with Officer's Return, sample, 58–59

Use of, 21–22, 131, 256–57

WOMANSHELTER/COMPAÑERAS, 491

WOMANSPACE CRISIS CENTER, 490

WOMEN'S BAR FOUNDATION, 506

WOMEN'S PROTECTIVE SERVICES, 491

WOMEN'S RESOURCE CENTER, 491

WOMEN'S SERVICES OF WESTERN MASSACHUSETTS, 492

WORCESTER COMMUNITY ACTION COUNCIL, COMMUNITY MEDIATION CENTER, 529

Y

YMCA VISITATION CENTERS, 521

YWCA/DAYBREAK RESOURCES FOR WOMEN AND CHILDREN, 493

YWCA OF WESTERN MASSACHUSETTS, 482, 493

