

INFORMATION ABOUT HOW TO FILE PAPERS IN ESSEX PROBATE AND FAMILY COURT



**NEIGHBORHOOD
LEGAL SERVICES**

**A FAMILY LAW HANDBOOK SERIES PRODUCED BY
NEIGHBORHOOD LEGAL SERVICES
THROUGH THE GENEROUS SUPPORT OF THE
MASSACHUSETTS BAR FOUNDATION**

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The information provided in this booklet does not constitute legal advice and is based on the laws of Massachusetts as of the publication date.

It is always advisable to seek legal advice from an attorney.
A list of resources for is on the last page.

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Table of Contents

| | |
|--|------------|
| What Kinds of Cases do People file in Probate and Family Court? | 1 |
| How Do I Start a Case? | 2 |
| How Do I Prepare a Complaint? | 2 |
| Where Do I File My Complaint? | 3 |
| Is There a Fee to File a Complaint? | 4 |
| Who Can Be Excluded From Paying a Fee? | 5 |
| What if There Are Children Involved? | 5 |
| Are There Other Fees To Starting a Case? | 5 |
| What Happens After I File a Complaint? | 6 |
| How Do I Notify the Other Party About The Case? | 7 |
| What Happens After the Other Party is Notified About the Complaint? | 8 |
| When Can I Request a Hearing? | 8 |
| If My Hearing Date is Not for a While, And I Need Support or Other Court Orders, What Can I Do? | 9 |
| What Will Happen at My Temporary Orders Hearing? | 10 |
| How Can I Protect Myself if I am in Fear of Physical Violence? | 11 |
| What if I am Not Proficient in English? | 12 |
| Can I Look at My Court File? | 12 |
| Tips For Handling Your Case in Probate Court. | 13 |
| Who's Who at the Family and Probate Court. | 14 |
| Dictionary of Legal Terms | 15 |
| Sample Forms Index | 19 |
| Other Booklets Available to Help You at The Probate and Family Court | back cover |

Dictionary of Legal Terms

Included at the end of this booklet is a dictionary of legal terms. You will find these terms in *italicized* letters throughout the booklet.

What Kinds of Cases Do People File in Probate and Family Court?

The types of cases most often filed in Probate and Family Court are:

- ◆ **Divorce:** to legally end a marriage and decide custody, visitation, child support, property division, debt division, health insurance and *alimony*.
- ◆ **Paternity:** to legally identify the father of a child and decide custody, visitation, and child support.
- ◆ **Separate Support:** to decide spousal support, child support, custody and visitation for married couples living apart, or living together but with justifiable cause to live apart, who do not want to divorce.
- ◆ **Guardianship of a Minor:** to give custody of a minor child, usually to a third person who is not a parent.
- ◆ **Contempt:** to order a person to follow a previous court order.
- ◆ **Modification:** to change a court order because of changed circumstances.
- ◆ **Complaint for Support - Custody - Visitation Pursuant to M.G.L. 209C:** to get support, custody or visitation in a case where the parents are not married.
- ◆ **Custody:** to ask for custody of child or children born of a marriage.
- ◆ **Support:** to ask for support of a child or children born of a marriage.
- ◆ **Grandparent Visitation:** to ask for grandparent visitation.
- ◆ **Annulment:** to dissolve a marriage as if it never existed.

Sample forms are attached at the end of this brochure.



Keep in mind – if you can find an attorney to represent you, you are almost always in a better position to use the courts. This is because the court system has rules which can be complicated and with which lawyers are familiar.

How Do I Start a Case?

To start a case, you file a *Complaint* (see sample at the back of this booklet). A complaint is a document you create. It tells the court basically four things:

- ❶ Who the *parties* are. The *plaintiff* is the person who brings the case or files the complaint. The *defendant* is the person who the case is against.
- ❷ What your reasons or legal *claims* are for bringing the case.
- ❸ What the facts are in your case.
- ❹ What you want the court to do.

How Do I Prepare a Complaint?

Every complaint will be different depending on your case, but all complaints must be on a certain form. You can get blank complaint forms from the clerk at the Probate and Family Court. You must fill in the blanks to fit your particular situation. An attorney's guidance may be essential at this stage to make sure your complaint is on the proper form.

If you do not have a lawyer, try to come to court on a day when the *Lawyer-for-the-Day* is at the Probate Court. The Lawyer for the Day is a volunteer attorney who is in an office at the courthouse and gives limited assistance to people who cannot afford to hire an attorney. This service is free. The Lawyer for the Day can answer questions and help you fill out court forms, but cannot represent you in court. You can call the court to find out the schedule for the Lawyer for the Day.

When you tell the Lawyer for the Day what you want, he or she can tell you what kind of a complaint and what other paperwork you will need to get your case started.

If the Lawyer for the Day is not there, tell the clerk at the main desk what you are trying to do and ask the clerk to give you the forms that you need. Also, ask the clerk if there are copies of documents, like marriage certificates, birth certificates, or other court orders that you will need to file, too. Usually, with these types of documents, you must have copies of them *certified* when filing them with court forms.

Some sample forms are included at the end of this booklet. For more specific information, please contact the Lawyer for the Day program or an attorney.

| Lawyer for the Day Schedule for Probate Courts in Essex County | |
|---|---|
| Salem Probate Court | Monday, Tuesday, Wednesday and Thursday mornings. Call ahead to the clerk's office at (978) 744-1020 to be sure that someone is there. |
| Lawrence Probate Court | Call the clerk's office at (978) 686-9692 for the schedule. |

Where Do I File My Complaint?

You file your complaint by giving it to the *Filing Clerk*. The clerk will check your paperwork and tell you if anything is missing. You will find the filing clerk in:

Salem Probate and Family Court

On the second floor, in the back of the building
at the window.

Lawrence Probate and Family Court

At the main desk at the courthouse.

It is always best to file your papers in person so the clerk can review them. If you cannot bring in the papers, you can mail them to:

Filing Clerk
Essex County Probate & Family Court
36 Federal Street
Salem, MA 01970

Note:

If you are representing yourself in the Essex Family and
Probate Court, you must file an Appearance form.
See sample Appearance Form at the end of this brochure.

Is There a Fee to File a Complaint?

In most cases, yes. This is called a *filing fee*.

Filing fees in the Probate Court can be high. For example, filing a complaint for divorce currently costs \$220. Other types of complaints have different fees. Some complaints have no fees. All filing fees are subject to change. To find out what the current fee is, ask the clerk.

If your income is low enough, you may be excused from paying a filing fee. To be excused from paying filing fees you need to fill out a form called an *Affidavit of Indigency* (see sample form at the back of this brochure) when you file your complaint. You can get an Affidavit of Indigency form at the court.

Who Can be Excused for Paying a Filing Fee?

To be excused from paying the filing fees, your income must be very low. You are eligible if:

- ◆ You are receiving public assistance (for example, TAFDC, EAEDC, Masshealth, or MA Veterans Benefits, or SSI) or;

NOTE: If you receive public assistance for your minor children, you must notify the Department of Revenue whenever you file a case in which there are minor children. Please see sample letter at the back of this brochure. In Paternity and Guardianship cases you will also have to file a “Public Assistance Affidavit.” See sample at the back of this brochure.

- ◆ Your income, after taxes, is less than 125% of the federal poverty level. NOTE: The income levels should be posted at the courthouse and change every year; or
- ◆ If paying the fees would be an extreme financial hardship and would deprive you or your dependents of the basic necessities to live. If this is your case, you must fill out an additional income and expense form.

Once you complete the Affidavit of Indigency form, you can either mail or bring it in to the Filing Clerk. A *Judicial Case Manager* will then review it to determine whether you will be excused from paying fees. If you are excused, the Judicial Case Manager will write on the Affidavit of Indigency that the request has been approved and that fees will be waived or paid for the Commonwealth of Massachusetts.

If a Judicial Case Manager is available when you file the Affidavit of Indigency, he or she may make a decision right away. If not, the clerk will take the form and it will be mailed back to you with a decision.

What if There are Children Involved?

In every case involving children, you must file an *Affidavit Disclosing Care and Custody Proceedings*. You can get this form from the filing clerk at the courthouse. See sample form at the back of this booklet.

In addition, in all divorce cases involving minor children, both parties are required to separately attend and pay for a parenting class. This class currently costs \$80 (fee subject to change). A brochure of approved providers is available at the clerk's office. To have this fee reduced, you must file a *motion, affidavit and proposed order* with the court stating why you cannot afford to pay the full fee. See sample forms at the back of this brochure.

If you are filing an Affidavit of Indigency, you can ask on that form that the parenting class fee be reduced.

Are There Other Fees To Starting a Case?

In some cases, yes. You may have to pay for a *sheriff* or *constable* to *serve* court papers on the defendant. This is called *service of process*. If you do not know where the defendant lives, you will need to file a motion asking the judge for permission to notify the defendant about the case by publishing a notice of the complaint in a newspaper. (See "How Do I Notify the Other Party About the Case?" for more information about serving the defendant by publication.)

If you cannot afford the cost of service by a sheriff or constable or by publication in a newspaper, you should specifically request in your Affidavit of Indigency that these costs, as well as the filing fee for the complaint and the reduction of the cost of the parenting class, if applicable, be waived for you. If your request is approved, these costs will be paid for you by the Commonwealth of Massachusetts.

What Happens After I File a Complaint?

One to two weeks after you file your complaint, you will receive a *summons* in the mail. The summons is the official court document which notifies defendants: 1) that a case has been filed against them, and 2) how long they have to file their court papers in response to the complaint. See sample Divorce / Separate Support Summons and accompanying notice regarding automatic restraining orders on assets at the back of this booklet.

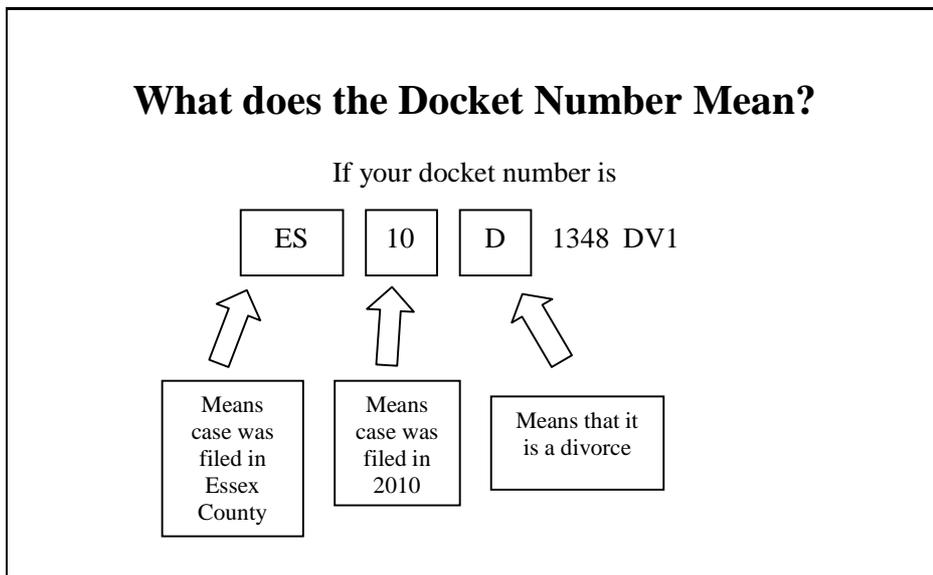
Important: As a plaintiff, it is your responsibility to make sure that the defendant is properly notified that you have started a case.

Case Name

The summons also gives you important information. On the top is the case name. This must be printed in this form on all papers filed in this case.

Case Number

In the upper-right hand corner is your case number. This is called the *docket number*. The docket number begins with ES, then the last two digits of the year the complaint was filed, then there will be a letter to indicate what kind of a complaint it is, then a four-digit number, and then another two letters and a number.



How Do I Notify the Other Party About The Case?

After you file your complaint and receive the summons, you must give (*serve*) a copy of the summons and complaint to the defendant. This is called *Service of Process*.

There are rules for how to do service of process. The reason for these rules is to make sure the defendant has been properly notified that you have started a legal action against him or her.

The person who serves the papers must give a copy of the summons and complaint to the defendant. Also, the person delivering the summons and complaint must fill out information on the original summons that proves the defendant was served. This section in the summons is called the *Return of Service*. Once the Return of Service section is completed, the original summons must be filed with the court.

The best way to make sure that you have done Service of Process correctly is to bring the summons and complaint to a sheriff or constable and have the sheriff serve the defendant. The sheriff or constable knows exactly what to do and will file the completed summons with the court.

Keep in mind, even if you have a sheriff serve your summons and complaint, you should call the sheriff and confirm that service was completed and that the summons was filed with the court. Then go to the courthouse and check to be sure that the sheriff filed the Return of Service in your case file at the court.

What If You Do Not Know Where the Defendant Lives?

If you do not know where the defendant is living, and you have made efforts to locate the defendant but were unable to find where s/he lives, you can ask the court to allow you to serve the Defendant by publishing a notice in the legal notices section of the newspaper.

To do this you will need to fill out a *Motion for Alternate Service* (also called Motion for Service by Publication) and supporting *affidavit* and *proposed order* (see sample forms at the back of this brochure). In that motion you state that you no longer know where the defendant lives, you give the last address you have for the defendant, and you briefly describe the efforts you have made to locate the defendant (for example, asking relatives and friends, contacting directory assistance, doing an internet search, etc).

You can either mail the Motion for Alternate Service/Motion for Service by Publication to the court or bring it in and give it to the Filing Clerk. You will receive a decision (order) in the mail stating whether the court has allowed your request for *Service by Publication*. The order will tell you what newspaper to publish the notice in and how to do service by publication. You must follow the exact directions on the order of service by publication.

What Happens After the Other Party is Notified About the Complaint?

After the defendant gets the summons and complaint, he or she has a certain period of time to file court papers and respond to the complaint. This is called an *Answer*.

In the answer, the defendant admits or denies the things that you have stated in your complaint. The defendant also states what he or she wants the judge to order.

The defendant must file an answer with the court and mail a copy to you by the date specified on the summons.

If you are the defendant and you do not file an answer on time, the judge will usually allow you to file a late answer. In this situation, you can file a Motion to File Late Answer in which you briefly explain why you need to file late.

In all domestic relations cases, the parties must share certain financial information with each other. The parties have 45 days from the date of service to exchange financial statements and other documents. Please refer to the sample Responses to Mandatory Discovery at the end of this brochure for what is required.

When Can I Request a Hearing?

After you file your complaint and complete service of process, the court will schedule a Case Management Conference. The purpose of this conference is to move the case forward by setting a discovery deadline and scheduling your next court date. If the next hearing date is not scheduled at the Case Management Conference, then you will have to file a Request for Trial - Pre-Trial Assignment (see sample form at the back of this brochure).

All court cases are subject to time standards, and a divorce case is put on a 14 month track. This means that the court expects the divorce to be completed within 14 months. The period of time you have to wait between filing the complaint for divorce and your hearing date usually varies from 30 days to 6 months depending upon what *grounds* you filed under.

After the next hearing date is set, the Court will send out an Order for Pre-Trial Conference with the date of your hearing. This notice also explains what you are required to do prior to the court hearing. See sample Order for Pre-Trial Conference the back of this brochure.

You will need to file an up-to-date Financial Statement on the day of the hearing (See sample Financial Statement at the back of this brochure). You may also need to fill out a vital statistics form or a military affidavit, which notifies the court if your spouse is in the military. See sample form at the back of this brochure.

Additionally, if you have not yet reached an agreement (settlement) with the other party, you may need to file a Pre-Trial Memorandum, which explains the issues still unresolved. See sample form at the back of this brochure.

If My Hearing Date Is Not For a While, And I Need Support or Other Orders, What Can I Do?

If the hearing date is a long way off and you need a court order sooner than that, you can file a *Motion for Temporary Orders*. For example, if you file a divorce complaint, you may need child support right away. Since your hearing may not be for months, you can file a *Motion for Temporary Child Support Order*.

The most common types of motions for temporary orders are motions for temporary custody, visitation, and/or child support (see sample motions at the back of this brochure).

Both the plaintiff and defendant can file motions for temporary orders any time before the final hearing. Take some time and think about what you need to ask for so you can file all the motions at the same time. The Judge will only hear requests that ask for things that cannot wait until the final hearing. Also, the Judge may become annoyed if you come in more than once before the final hearing because you did not take the time to think of all the things you needed to ask for.

To file a motion for temporary orders:

1. Ask the court for a blank motion form. On that blank motion form, state what you are asking the judge to order. On an *affidavit* form, explain why you are entitled to what you are asking for. You must also attach a *Proposed Order* to your motion for the judge to sign. (See sample motions, affidavits, and proposed orders at the back of this brochure).
2. Ask the clerk about scheduling a hearing date. You should have received a Tracking Assignment Notice from the court telling you what judge is assigned to your case and a notice regarding that judge's schedule. You must pick a day of the week for your hearing when your judge is scheduled to hear Motions, and that is far enough in advance to allow you to give the required notice to the opposing party far enough in advance.
3. Give notice of the hearing date to the opposing party by mailing or giving them a copy of the motion with the hearing date on it.

If you **mail** the motion, it must be mailed at least 10 working days before the day of the motion hearing.

If you **hand deliver** the motion, it must be hand delivered at least 7 working days before the day of the motion hearing. (If you deliver your motion after 4 pm, you must add another day.)

NOTE: If there is a true emergency, you can ask the court for an Emergency hearing or for a Short Order of Notice (permission to give the opposing party less than the usual notice time).

What Will Happen on the Day of My Temporary Orders Hearing?

Most judges require that requests for temporary orders first be dealt with by the Probation Department.

The *Probation Department* (sometimes called the *Family Service Office*) is located in the basement of the Salem courthouse and next to the clerk's office in the Fenton Judicial Center in Lawrence.

When you go to the Probation Department, a *probation officer* (sometimes called a *family service officer*) will meet with you and the other party to hear what you are both asking the court to do. The probation officer will then make a recommendation to both of you about how the situation can be resolved. For example, if you are seeking custody and the other party wants visitation, the probation officer might recommend that you have custody and that the other party have weekly visitation. Please be aware that your conversation with the probation officer is not confidential.

If you are requesting child or spousal support, you will also need to fill out a financial statement (see sample form at the end of this brochure).

It is important to know that the probation officer is not a judge. The probation officer makes recommendations, not orders. **If you do not agree with what the probation officer recommends, you have the right to present your request to the judge.**

If both parties accept the recommendations of the probation officer, then you will both sign an agreement called a *Stipulation*. After you leave the courthouse, the stipulation is sent to the judge. If the judge approves it, he or she will make your stipulation an order of the court and it will have the same effect as if the judge had ordered it. Note: If your stipulation requires an existing 209A Abuse Prevention Order to be modified, you must go before a judge.

If you do not come to an agreement and go before a judge on your motion for a temporary order, a judge will make a decision based upon what he or she hears from you and the other party.

You will get a copy of the order at the courthouse or in the mail. This temporary order lasts until one of the parties asks the court to change it or until there is a final judgment in the case. If either party does not comply with this order, the other party can file a *Complaint for Contempt*. See sample Complaint for Contempt at the end of this brochure.

How Can I Protect Myself from Domestic Violence during Court Proceedings?

If you are in fear of domestic violence by the other party, there are several things you can do to protect yourself.

Keep Your Address Private

When you file your complaint, you usually have to give your address on the complaint. The complaint is then sent to the other party.

If you or your children would be put in danger by the other party learning of your address, you can file a motion to keep your address confidential. This is called a *Motion to Impound Address*. (See sample forms at the back of this brochure).

Before filing a complaint, bring a Motion to Impound Address to the filing clerk. If a judge is available, you may get sent to him or her to immediately present your motion.

If the court allows your Motion to Impound, you do not need to put your address on the complaint or on any other court document that the other party or any member of the public can see. Instead, you can use the court's address or another safe address as your mailing address, and your notices and other documents will be sent to that address.

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| <p>Note: If your address is impounded, the court must keep your address in a separate file (not in your regular court file) so that the other party cannot see it. It is a good idea to check your file each time you are in court to make sure your address is not in it.</p> |
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Notify the Court Security Officers Before a Hearing

When you are at court for a hearing and you are in fear the other party and/or having a restraining order against the other party, you can notify the court security officers of any circumstances they should know about. The court officers will be wearing uniforms and usually there is one court officer in each courtroom.

Let the Probation Officer (Family Service Officer) Know About a Restraining Order

If you have a restraining order against the opposing party, you are not required to sit in the same room together with him or her when meeting with the probation officer. Let the probation officer know about the restraining order and ask to meet separately with the probation officer.

What if I am Not Proficient in English?

If you are not comfortable speaking or understanding English, you have a right to a *court interpreter* for the time that you are in court. To arrange for a court interpreter, contact:

Trial Department
Essex County Probate and Family Court
36 Federal Street
Salem, MA 01970-3437
(978) 744-1020

You should file a Motion for a Court Interpreter and notify the court of any specific hearing dates that have been scheduled. It is a good idea to call the court a few days before the hearing to make sure an interpreter has been scheduled. Make sure that you give the court enough notice any time you request an interpreter. See a sample Motion for Court Interpreter at the back of this brochure.

Can I Look at My Court File?

Yes. You can look at your file in the courthouse whenever you wish and make copies on the courthouse copy machines. You cannot remove case files from the courthouse. When you are finished with the file, you must return the file to the desk where you received it.

If you are adding paperwork to your file, you must give the paperwork to the filing clerk. The filing clerk will date stamp the document, write the name of the document into a book called a *docket book*, put a handwritten number on the document, and then put it in the file. The handwritten numbers follow the order that the documents were filed. This can help you find documents in your file, particularly if the file gets thick.

Tips for Handling Your Case in Probate Court

Be Prepared

- ◆ Practice what you want to say before you go to court. Write down an outline of what you want to say. If you are asking for something related to your children, make sure you can explain why it is in the best interests of the children.
- ◆ Decide what documents you want to show to the judge or the probation officer before you go to court.
- ◆ Make sure you know the dates of important events that you want to tell the judge about.
- ◆ Have all your papers in order so that you will be able to find them easily when you need them.

Make Copies

- ◆ Make copies of all documents that you file with the court.
- ◆ Make copies of all documents that you are bringing to give to the judge.

Be Organized

- ◆ Keep all your copies of your court papers and all your notes together in a folder so that you can find what you need easily.

Stay Calm

- ◆ Going to court can be nerve-racking, especially when you are dealing with emotional issues. Think in advance about what will be hardest for you. Think about how you can handle these situations calmly. When you are in court, even if you feel that something is going against you or that it is wrong or unfair, you will be far more effective if you can respond to that calmly.

Who's Who at the Probate and Family Court

Judge

The person who listens to the facts and arguments of all people involved in the case and makes decisions about what should happen.

Register of Probate, Pamela Casey O'Brien

The Register of Probate oversees the administration of the Family and Probate Court and is therefore very helpful and interested in seeing that your questions and concerns get addressed.

Sessions Clerk

The Sessions Clerk sits with the judge in court. The Sessions Clerk will usually be in the courtroom where your case will be heard about a half hour before the judge is there. They can answer your questions about where your case file is, what documents need to be in the file before the judge can hear the case, and where you need to go in the courthouse to have your case heard.

Probation Officer (sometimes called a Family Service Officer)

People who assist the judges by listening to both people involved in the case and making recommendations about agreements that both of you may want to sign. Remember, a family service officer cannot force you to sign an agreement. You always have the right to speak to the judge about what you want.

Filing Clerk

The person in court who you bring the originals of your legal papers to and who files them in your case file. The filing clerk will stamp the papers with the date that you filed them. You then place the original documents with the date stamp in the court file.

Marking Clerk

A person who schedules court dates for a judge. You can check in your court to find out who is the marking clerk for the judge who will be hearing your case.

Sessions Clerk

The Clerk assisting the judge at the bench.

Lawyer for the Day

A volunteer lawyer who provides free assistance to low-income people. The Lawyer for the Day can help you figure out what forms to fill out and may help you fill out the forms and explain what you will need to do in court that day. The Lawyer for the Day will not come into the courtroom with you. The Lawyer for the Day will not be able to assist you by telephone or on your next court date.

Dictionary of Legal Terms

Affidavit

A written statement of facts made under oath.

Affidavit of Indigency

A sworn statement that you sign that says you cannot afford to pay court fees.

Alimony

Amount of support paid to a former spouse.

Answer

The defendant's written response to the complaint.

Assistant Judicial Case Manager

Clerks who deal directly with the judge, process cases, and deal with the public, and conduct case management conferences.

Certified

Officially stamped by keeper of particular record or document.

Claims

What you or the opposing party says is true.

Complaint for Contempt

Document filed with court requesting enforcement of an existing order.

Complaint

A document filed with a court to start a legal action. It lists the legal claims that the plaintiff is raising.

Contempt Action

A legal action brought to enforce an order in an earlier legal action.

Court Interpreter

A person appointed by the court to interpret for a party who does not speak English.

Defendant

The person whom the legal action is brought against.

Divorce Action

A legal action to end a marriage and decide custody, visitation, child support, property division, debt division, health insurance and alimony.

Docket Book

A log kept by the filing clerk containing the name and date of filing of all documents filed in the court.

Docket Number

The number that the court gives to your case. You will find it on the upper-right-hand corner of all your court documents. You will be given your docket number after you file your complaint.

Family Service Department

See Probation Department

Family Service Officer

See Probation Officer

Filing Fee

The money you pay to begin a case.

Filing Clerk

The person to whom you give the court papers that you are filing with the court.

Grounds

The legal reason for your request.

Guardianship of a Minor Action

A legal action to decide whether a minor child should live with someone other than his or her parents, visits between the child and the parents, and support of the child by the parents.

Lawyer for the Day

A volunteer attorney available to help financially eligible people at the courthouse. This attorney can answer questions and assist with forms, but does not provide representation before the judge.

Modification Action

A legal action brought to change an order in an earlier legal action.

Motion

A written request asking for an order from the court.

Motion for Alternate Service

A written request in which a person filing a complaint states that he or she does not know where the defendant lives and asking that a judge allow him or her to notify the other party in some way other than delivering the papers to the defendant.

Motion for Temporary Orders

A written request asking that the judge make orders right away rather than waiting until the legal action is completed.

Motion to File a Late Answer

A written request by the defendant asking that the judge allow him or her to file an answer later than the date given on the summons and explaining why he or she wasn't able to answer by the date on the summons.

Motion to Impound Address

A written request to allow one of the people involved in the case not to have to write his or her address on court forms. People make these requests when either they or their children would be in danger if their address were made public.

Opposing Party

The person or people who is/are on the other side of the case from you. If you are the plaintiff, the defendant is the opposing party. If you are the defendant, the plaintiff is the opposing party.

Paternity Action

A legal action to identify the father of a child and decide custody, visitation, and child support.

Plaintiff

The person who starts a legal action. If you file a complaint, you are the plaintiff.

Probation Department

The office which attempts to mediate and resolve cases before they reach a judge.

Probation Officer

The person assigned by the court to help you reach an agreement in your case.

Proposed Order

A document which you give the judge which proposes what you would like the judge to do.

Return of Service

A piece of paper on which the person who delivered the summons and complaint to the defendant states that they delivered the summons and complaint to the defendant. The completed return of service must be filed in the court file.

Separate Support Action

A legal action for a married couple living apart, or living together but with justifiable cause to live apart, but not wishing to divorce, to decide spousal support, child support, custody and visitation for married couples living apart, who do not want to divorce.

Serve

To give or deliver copies of the papers with your claims to the opposing party.

Service by Publication

Notification through newspaper of the complaint, including a statement of your claims.

Service of Process

An official, court-authorized method of delivering a legal document to the person you are bringing the case against.

Sheriff or Constable

People who are authorized to deliver (or serve) copies of court papers to opposing parties.

Stipulation

A written agreement between the plaintiff and the defendant. The judge then reviews the agreement, and if he or she approves it, the judge will make your agreement a court order.

Summons

The documents a plaintiff uses to begin a legal action. The summons is the notice telling the person who is served that they are being brought to court. It also tells the person when he or she must be in court or file their own written response.

Sample Forms Index

| Form | Page |
|--|------|
| Complaint for Divorce | 20 |
| Complaint to Establish Paternity | 21 |
| Complaint for Separate Support | 23 |
| Complaint for Contempt | 24 |
| Complaint for Modification | 25 |
| Complaint for Support - Custody - Visitation (unmarried parties) | 26 |
| Complaint for Custody (married parties) | 27 |
| Complaint for Support (married parties) | 28 |
| Complaint for Grandparent Visitation | 29 |
| Complaint for Annulment | 31 |
| Appearance | 33 |
| Affidavit of Indigency | 34 |
| DOR/CSE Letter for TAFDC Recipients | 36 |
| Public Assistance Affidavit | 37 |
| Motion for Reduction of Costs of Parenting Class | 38 |
| Affidavit in Support of Motion to Reduce Cost of Parenting Class | 40 |
| Proposed Order | 41 |
| Affidavit Disclosing Care and Custody Proceedings | 42 |
| Divorce / Separate Support Summons | 45 |
| Notice of Automatic Restraining Order | 47 |
| Motion for Alternate Service by Publication and Mailing | 49 |
| Affidavit in Support of Motion for Alternate Service | 51 |
| Proposed Order | 52 |
| Order of Service By Publication | 53 |
| Summons By Publication | 54 |
| Instructions for Service By Publication | 55 |
| Newspaper Legal Notice Letter | 56 |
| Responses to Mandatory Discovery | 57 |
| Request for Trial - Pre-Trial Assignment | 59 |
| Order for Pre-Trial Conference | 60 |
| Plaintiff's Pre-Trial Memorandum | 62 |
| Financial Statement | 65 |
| Vital Statistics Form | 69 |
| Military Affidavit | 70 |
| Motion for Temporary Custody | 71 |
| Affidavit in Support of Motion for Temporary Custody | 73 |
| Proposed Order | 74 |
| Motion for Temporary Visitation | 75 |
| Affidavit in Support of Motion for Temporary Visitation | 77 |
| Proposed Order | 78 |
| Motion for Temporary Support | 79 |
| Affidavit in Support of Motion for Temporary Support | 81 |
| Proposed Order | 82 |
| Motion to Impound Address | 83 |
| Affidavit in Support of Motion to Impound Address | 84 |
| Proposed Order | 85 |
| Motion for Court Interpreter | 86 |
| Affidavit in Support of Motion for Court Interpreter | 87 |
| Proposed Order | 88 |

Helpful Resources

Many Probate and Family Court Forms Can be Found at:
<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/forms.html>

General Information on family law issues can be found at: www.masslegalhelp.org

Lawyer-for-the-Day

Provides free assistance at the Courthouse in preparing forms and documents for those who are income eligible.

Probate and Family Court-Salem Division
36 Federal Street, Salem, MA 01970
Call the court at (978) 744-1020

*Monday, Tuesday, Wednesday
and Thursday mornings*

Probate and Family Court-Lawrence Division
Fenton Judicial Center, 2nd Floor
2 Appleton Street, Lawrence, MA 01840
Call the clerk's office at (978) 686-9692

Call the Court for the Schedule

Legal Services

Provides free legal services to those who are eligible.

Neighborhood Legal Services, Inc.
37 Friend St, Suite 300 Lynn, MA 01902
170 Common St, Suite 300 Lawrence, MA 01852
(781) 599-7730 and (978) 686-6900
www.neighborhoodlaw.org

*Provides direct representation, Pro Se
Divorce Clinic, and Helpline advice
to Southern Essex County*

Merrimack Valley North Shore Legal Services, Inc.
35 John Street, Suite 302
Lowell, MA 01852
(978) 458-1465
www.mvlegal.org

*Provides family law services to
Essex and Northern Middlesex Counties*

Reduced Fee Lawyer Referral Programs

Provides referrals to lawyers who may charge reduced fees. Call for eligibility requirements:

Boston Bar Association (*Greater Boston*)
16 Beacon St., Boston, MA 02108
(617) 742-0625
www.bostonbar.org/lrs/index.htm

Mass. Bar Association (*statewide*)
20 West St., Boston, MA 02111
(617) 542-9103, (866)-627-7577
www.massbar.org/lawhelp/need_lawyer/

National Lawyer's Guild
14 Beacon Street, Suite 407
Boston, MA 02108
(617) 227-7008
www.nlgmass.org/lrs

Essex County Bar Association
Shetland Office Park
45 Congress St, Ste. 4100
Salem, MA 01970
(978) 741-7888
www.essexcountybar.org

The Child Support Enforcement Division (CSE) of the Department of Revenue (DOR)

Provides assistance in establishing paternity and establishing, enforcing, and collecting child support.

Probate and Family Court-Salem Division
36 Federal Street
Salem, MA 01970
(978) 744-1020

Probate and Family Court-Lawrence Division
Fenton Judicial Center, 2nd Fl.
2 Appleton St., Lawrence, MA 01840
(978) 686-9692 (*open only Mon. & Wed. 8-1*)

The Family Law How-to Series includes:

Copies of these booklets are available at the Lawyer for the Day Office and Legal Services programs listed inside this booklet.

-
- ◆ How to Fill Out a Financial Statement (Short Form)
 - ◆ Divorce and the Alternatives
 - ◆ The Department of Children and Families: Seeking Services, the 51A Investigation and Consumer Rights During an Investigation
 - ◆ Name Changes
 - ◆ Grandparent Visitation
 - ◆ How to Get Child Support
 - ◆ What Is Best for Your Child: Working Through Child Custody and Visitation Issues
 - ◆ Information about How to File Papers in Essex Probate and Family Court
 - ◆ Obtaining Child Support when Getting a Restraining Order: What You Need to Know
 - ◆ Information About How to Establish Paternity
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