

Commonwealth of Massachusetts
Bristol County Probate & Family Court



Gina L. DeRossi
Register of Probate

COMPLAINT FOR CUSTODY

Use these instructions if:

- ✓ You are filing a Complaint for Custody **ONLY**.
- ✓ You are the parent of the child.
- ✓ You are married to the other parent of the child.
- ✓ You have **NOT** filed and/or are not currently seeking to file a Complaint for Divorce.

STEP 1: COMPLETE THE FORMS: Fill out all forms completely using permanent black ink. You may also complete and type the forms on line at www.bristolcountyprobate.com.

- ✓ **COMPLAINT FOR CUSTODY.** You, as the plaintiff, must indicate the particular action you are requesting the court to take.
- ✓ **AFFIDAVIT DISCLOSING CARE AND CUSTODY.** This form along with separate Instructions are available at the Registry or on line at www.bristolcountyprobate.com.
- ✓ **FINANCIAL STATEMENT FORM.** Although it is not required at the filing stage, you may be required to complete a Financial Statement form at your first hearing date. To be prepared at your hearing, separate Instructions about this form are available at the Registry or on line at www.bristolcountyprobate.com.

STEP 2: MAKE COPIES: Make a copy of all completed forms. Assemble the copies so that you have 2 COMPLETE PACKETS OF THE FORMS – the original and the copies. Keep the copies for yourself. You may have to make additional copies in the future.

STEP 3: FILING FEE: At the time of filing/ mailing the above documents to the Registry, you must include a **\$5.00** filing fee.

STEP 4: FILE THE PAPERS: Take the original forms listed above and deliver or mail the original documents to the Registry of Probate for processing at 40 Broadway, Suite 240,

Taunton, MA 02780.

STEP 5: RECEIVE A SUMMONS FROM THE COURT: Once you have filed the appropriate papers with the Registry you will receive a copy of your *Complaint, original Summons* and *Track Notice* from the court. **YOU** must arrange for the *Summons* and other forms to be served upon your spouse by a Constable or Sheriff. **YOU MAY NOT** serve them yourself. Separate Instructions on How to Serve a Domestic Relations Summons are available at the Registry or on line at www.bristolcountyprobate.com.

STEP 6: RETURN THE SUMMONS: After your spouse has been served all the necessary papers, **YOU** must return the *original Summons* with *Acceptance of Service* to the Registry so that a Case Management Conference can be assigned. (Note: If you do not know the current whereabouts of your spouse, you can request notice of the above action by publication in the newspaper. Separate Instructions on How to Serve by Publication are available at the Registry.)

Please be advised that the information in this pamphlet is provided as a service of the Bristol County Probate & Family Court Registry and does not constitute legal advice which can only be given to you by an attorney.

Bristol County Probate & Family Court Registry
40 Broadway, Suite 240
Taunton, MA 02780
(508) 977-6040
www.BristolCountyProbate.com