

Commonwealth of Massachusetts
Bristol County Probate & Family Court



Gina L. DeRossi
Register of Probate

COMPLAINT FOR MODIFICATION

Use these instructions if:

- ✓ You have a previous court ordered “Judgment”.
- ✓ There has been a change in your situation or that of one of the parties to your case.
- ✓ You are seeking to “modify” (change) that Judgment.

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. Be sure to put your case's correct docket number on the top right hand corner of your form, where indicated.

✓ **COMPLAINT FOR MODIFICATION.**

Paragraph #1: You are the Plaintiff and the other person is the Defendant. Print your address here. Then print the address of the Defendant.

Paragraph #2: Put in the date of the Judgment you wish to have modified. Write out the order that the court made and which you now wish to have modified.

Paragraph #3: Describe the change that has occurred since the time of the original Judgment. Check off the section that applies to your case. Print carefully because the form does not leave much room and you must describe the change in circumstances in as much detail as possible.

Paragraph #4: Put in the date of the original Judgment. Then describe the modification you would like the Court to make.

Paragraph #5: Put in today's date, sign the form and fill in your address and phone number.

- ✓ **FINANCIAL STATEMENT.** You must complete a Financial Statement Form on an original pink court form. This form along with separate Instructions are available at the Registry or on line at www.bristolcountyprobate.com.

If there are children involved in the Modification, you must fill out the following forms IN ADDITION to the above listed forms:

- ✓ **AFFIDAVIT DISCLOSING CARE AND CUSTODY PROCEEDINGS.**
This form along with separate Instructions are available at the Registry or on line at www.bristolcountyprobate.com.

In some cases, you may also want to file the following form:

- ✓ **MOTION FOR TEMPORARY ORDERS.** If you are seeking immediate relief, you may file a Motion. This form along with separate Instructions 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 originals 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 Court, you must file a filing fee. If the Modification deals ONLY with support, maintenance, visitation or education of a child, the fee is **\$55.00**. A filing fee of **\$155.00** is required in ALL other instances.

The fee may be payable by money order or personal check to the Registry of Probate. If the documents are filed in person at the Registry at 40 Broadway, Suite 240, Taunton, MA, you may also pay by cash or major credit card.

STEP 4: **FILE THE PAPERS:** Take the original forms listed above and your filing fee and deliver or mail the original documents and filing fee 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 the other party to the case 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 the other party has been served all the necessary papers, **YOU** must return the *original Summons* with *Proof of Service* to the Registry so that a Case Management Conference can be assigned. The *Summons* must be served within ninety (90) days of the filing of the Complaint.

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
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