

Commonwealth of Massachusetts
Bristol County Probate & Family Court



Gina L. DeRossi
Register of Probate

COMPLAINT FOR DIVORCE

Use these instructions if:

- ✓ You are filing for divorce independent of your spouse.
- ✓ You and your spouse have NOT agreed to file for divorce jointly.

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.

If there were NO children born or conceived during the marriage you must fill out the following forms:

- ✓ **COMPLAINT FOR DIVORCE.** Grounds for Divorce include irretrievable breakdown of the marriage, adultery, impotency, utter desertion for one continuous year, gross and confirmed intoxication caused by voluntary and excessive use of liquor or drugs, cruel and abusive treatment, failure to provide support and maintenance and sentence to confinement to prison for 5 years or more.
- ✓ **CERTIFICATE OF ABSOLUTE DIVORCE/VITAL STATISTICS FORM.** Form (R-408). Complete the top portion only.
- ✓ **FINANCIAL STATEMENT FORM.** 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 were children born or conceived during the marriage you must fill out the following forms IN ADDITION to the above listed form:

- ✓ **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 for child support, custody or alimony/spousal support, 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 Registry, you must include a **\$220.00** filing fee.

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 Probate & Family Court Registry at 40 Broadway, Suite 240, Taunton, 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 to the Registry of Probate for processing at 40 Broadway, Suite 240, Taunton, MA 02780.

IMPORTANT: **With the above documents, you MUST file a CERTIFIED, CIVIL, LONG FORM MARRIAGE CERTIFICATE. This can be obtained from the City or Town Hall where you applied for your marriage license.**

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 you have copied to be served upon your spouse by a Constable or Sheriff. **YOU MAY NOT** serve them yourself. Separate Instructions on How to Serve a Divorce 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