

Commonwealth of Massachusetts

Bristol County Probate & Family Court



Gina L. DeRossi

Register of Probate

MOTIONS

Use these instructions if:

- ✓ You are a Plaintiff or a Defendant **AND**
- ✓ There is an existing Complaint on file with the Court **OR**
- ✓ You are filing a Complaint at the same time as the Motion.

STEP 1: COMPLETE THE FORM: Fill out the Motion form completely using permanent black ink. You may also complete and type the form 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.

✓ **MOTION**

1. Input the docket number from the Track Assignment Notice on the top right of the Motion form.
2. Complete the Motion and include what relief you are requesting.
3. Check the Track Assignment Notice for the specific Judge assigned to your case.
4. Call the Registry Office at (508) 977-6040, and choose the prompt for the Assignment Department. Listen for the available Motion dates for the Judge assigned to your case.
5. On the left center of the page, section *Notice of Hearing*, please write the location (New Bedford, Fall River or Taunton) depending on where the Judge is that day and the time of 8:30 a.m.
6. Complete the CERTIFICATE OF SERVICE on the backside of the Motion to verify that the other party has been noticed of the Motion. If the Motion is served by a sheriff or constable, in hand, please forward the Proof of Service to the Registry.

STEP 2: MAKE COPIES: Make a copy of the completed form. Keep the copy for yourself. File the original form.

STEP 3: FILE THE PAPERS: Take the original Motion form and deliver or mail it to the Registry of Probate for processing IMMEDIATELY. The court date is not officially assigned until the Registry has received your Motion.

STEP 4: SERVE THE MOTION: If you have already filed and served the Complaint, and you are only filing a Motion, you may **mail** a copy of the Motion with hearing date to the other party in the case. The other party must receive the Motion at least seven (7) days prior to the hearing, excluding the dates of service and hearing.

If you are filing the Motion at the same time as the Complaint, you should follow the same instructions for service of the Complaint and serve the Motion at the same time, in the same manner. If the other party is served the Motion by Sheriff or Constable, in hand, the other party must receive the Motion at least three (3) days prior to the hearing.

IMPORTANT: *Your Motion will NOT be heard if the other party was never personally served the initial Complaint or served with the Motion. It is your responsibility to make sure there is service.*

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