

*Commonwealth of Massachusetts*

Bristol County Probate & Family Court



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*Register of Probate*

**HOW TO SERVE A  
DIVORCE/SEPARATE SUPPORT SUMMONS  
FOR DIVORCE OR SEPARATE SUPPORT COMPLAINT**

*Use these instructions ONLY if:*

- ✓ You have filed a Complaint for Divorce (Not a Joint Petition for Divorce); **OR**
- ✓ You have filed a Complaint for Separate Support; **AND**
- ✓ You know where the Defendant lives.

**\*\*\* If you represent yourself in a Complaint for Divorce, YOU are responsible for serving the Complaint on the other party. The Court DOES NOT do it for you. \*\*\***

**STEP 1:** Once you have filed your Complaint with the Registry, you will receive the following documents:

1. *Divorce Summons*
2. *Track Assignment Notice (2 copies; one is for you)*
3. *Copy of Complaint*
4. *Motion (if you filed one)*

These documents may be provided to you immediately if you file your *Complaint* "in person" at the Registry or will be mailed to you if you file your *Complaint* by mail.

**STEP 2:** **SERVE THE SUMMONS:** There are three (3) acceptable ways to serve the *Summons*. They are as follows:

1. You may hire a Sheriff or Constable to serve the papers. The Sheriff or Constable must be authorized to serve in the county where they deliver the papers to the Defendant. Although there is a cost, it is often the most reliable way to serve papers. A list of local sheriffs and constables is available at the

Bristol County Registry of the Probate & Family Court.

2. Instead of hiring a Sheriff or Constable, if the Defendant is willing to accept service, the Defendant may sign the *original Summons* where it indicates “I hereby accept service of the within Summons and Complaint”, then date and sign the *Summons in front of a Notary Public*.
3. The papers may be served by a “disinterested person” pursuant to Rule 4 of the Domestic Relations Procedure Rules, however, this is the least advisable method and you must refer to Rule 4 to ensure proper service.

**STEP 3:** WHAT TO SERVE: Whoever is chosen to serve (constable, sheriff or disinterested person), must serve the Defendant with the *Summons, Track Assignment Notice* (one you keep for your records), and copy of the *Complaint* and *Motion* (if filed). A Sheriff or Constable will know what to serve and how to complete the return of service correctly.

**STEP 4:** TIMING OF SERVICE: Service must be made on the Defendant within **90 days** from the date of filing your Complaint. If you filed a Motion and you have a scheduled hearing date, you must also serve the Defendant with a copy of the Motion. The Motion must be served **at least 7 days** prior to the hearing date of the Motion. To ensure timely service, DO NOT include the date of the hearing or the date service was made.

**STEP 5:** AFTER SERVICE: When service is complete, return the *original Summons* to the Registry office with the *proof of service* provided to you by the Sheriff or Constable. Make sure you discuss with the Sheriff or Constable whether they will give the *original Summons* to you or to the court. If they give it to you, you will have to file it with the court either in person (on the day of hearing) or by mail to the Registry at the address located below.

**STEP 6:** CASE MANAGEMENT CONFERENCE: When service is complete and the original *Summons* is filed with the Registry, the court will issue a Case Management hearing date, unless there is already a *Motion* scheduled.

**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.**

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