

**A UNIFORM GUIDE TO FILINGS DUE TO  
STATUTORY, RULE, & UNIFORM PRACTICE  
REQUIREMENTS IN A NEW CASE OR ACTION**

**#2**

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&  
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## **INTRODUCTION**

This guide has been created by the Administrative Office of the Probate and Family Court with the assistance of our judges, registers and court staff to provide uniform guidance on the minimum required documents needed for accepting new filings in our court. Taking into consideration statutes, rules and uniform practices, this guide lists the requisite minimum documentation and intentionally removes items that have been part of long standing or best practices. While we recognize that the court can provide a service to individuals by recommending filing additional items as a best or longstanding practice, failure to follow a best practice must not be a bar to the initial filing.

Making this guidance available to court staff, litigants, Court Service Centers, Lawyers of the Day, Legal Service Attorneys, and the Private Bar will reassure staff, educate litigants, and reinforce uniform statewide practices.

For ease-of-use checklists have been included showing what is minimally required for accepting new filings as well as subsequent actions.

This is a working guide and will be updated and re-circulated when current practices, forms, or new filings are created.

## Checklists of Filings Required by Statute, Rule and Uniform Practice to Initiate a Complaint or Petition

### Initial Cases

#### **Complaint for Divorce (fault): G.L. c. 208, §1**

[Refer to: G.L. c. 208, §1](#)

- Complaint for Divorce (*CJD 101*)
- Report of Absolute Divorce or Annulment (*Form R-408*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Marriage Certificate
  - *Strongly recommended at time of initial filing*
- Financial Statement
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or not appear on the hearing date

#### **Complaint for Divorce (no fault): G.L. c. 208, §1B**

[Refer to: G.L. c. 208, §1B](#)

- Complaint for Divorce (*CJD 101B*)
- Report of Absolute Divorce or Annulment (*Form R-408*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Marriage Certificate
  - *Strongly recommended at time of initial filing*
- Financial Statement
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or not appear on the hearing date

#### **Joint Petition for Divorce (no fault): G.L. c. 208, §1A**

[Refer to: G.L. c. 208, §1A](#)

- Joint Petition for Divorce (*CJD 101A*)
- Report of Absolute Divorce or Annulment (*Form R-408*)
- Affidavit of Irretrievable Breakdown (*Affid. Irretrievable Breakdown 4/07*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
  - Each petitioner must sign an Affidavit Disclosing Care or Custody Proceedings

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Marriage Certificate
  - *Strongly recommended at time of initial filing*
- Notarized Separation Agreement (*within 90 days of filing*)
  - *Strongly recommended at time of initial filing*
- Financial Statement for each petitioner
- If child support is being addressed (or waived):
  - Child Support Guidelines Worksheet (*CJD 304*)
  - Findings and Determinations for Child Support and Post-Secondary Education Form (*CJD 305*)

**Complaint for Separate Support: G.L. c. 209, §30**[Refer to: G.L. c. 209, §30](#)

- Complaint for Separate Support (*CJD 102*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Marriage Certificate
  - *Strongly recommended at time of initial filing*
- Financial Statement
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Complaint for Support: G.L. c. 209, §32F**[Refer to: G.L. c. 209, §32F](#)

- Complaint for Support (*CJD 107*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Marriage Certificate
  - *Strongly recommended at time of initial filing*
- Financial Statement
- If child support is being addressed:
  - Financial Statement
  - Child Support Guidelines Worksheet (*CJD 304*)
  - Findings and Determinations for Child Support and Post-Secondary Education Form (*CJD 305*)
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Complaint for Custody, Support, Parenting Time: G.L. c. 209C**[Refer to: Chapter 209c](#)

- Complaint for Custody, Support, Parenting Time (*CJD 109*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Birth Certificate **OR** signed Voluntary Acknowledgment of Parentage Form **OR** Certified Copy of Adjudication of Parentage
  - *Strongly recommended at time of initial filing*
- If child support is being addressed:
  - Financial Statement
  - Child Support Guidelines Worksheet (*CJD 304*)
  - Findings and Determinations for Child Support and Post-Secondary Education Form (*CJD 305*)
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Complaint to Establish Paternity: G.L. c. 209C**[Refer to: Chapter 209C](#)

- Complaint to Establish Paternity (*CJD 106*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Birth Certificate
  - *Strongly recommended at time of initial filing*
  - If unable to obtain a certified copy:
    - Motion to Order Release of Certified Copy of Birth Certificate to the Court, **OR**
    - Motion to File Late with supporting Affidavit or Verified Motion
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Change of Name for Adult: G. L. c. 210, §12**[Refer to: G. L. c. 210, §§12-14](#)[Refer to: Uniform Probate and Family Court Practice XXXV](#)

- Petition to Change Name of Adult (*CJP 27*)
- Certified Copy of Birth Certificate
- If prior name change: Certified Copy of the Marriage Certificate, Divorce Decree, court order changing name, etc.
- Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*)

**Change of Name for Minor Child: G. L. c. 210, §12**

[Refer to: G. L. c. 210, §§12-14](#)

[Refer to: Uniform Probate and Family Court Practice XXXV](#)

- Petition to Change Name of Minor (*CJP 25*)
- Certified Copy of Minor's Birth Certificate
- If prior name change: Certified Copy of the Minor's Name Change
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*); each party/petitioner must sign an Affidavit Disclosing Care or Custody
- If a minor child is 12 years old or older: Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*)
- If there is a deceased legal parent: Copy of Death Certificate
- If there is a guardian appointed: Proof of Appointment
- If parent has signed a voluntary surrender and it was allowed by the court, or the court has terminated a parent's parental rights: Proof of Termination of Parental Rights

**Appointment of Guardianship of Adult**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Appointment of Guardian for an Incapacitated Person (*MPC 120*)
- Medical Certificate (*MPC 400*) **OR** Clinical Team Report (*MPC 402*)
  - Medical Certificate must be dated within 30 days of filing the petition
  - Clinical Team Report must be dated within 180 days of filing the petition

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Appointment of Guardian for an Incapacitated Person (proposed) (*MPC 720*)
- Bond (proposed) (*MPC 801*)
- Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*) for proposed guardian(s)
- Military Affidavit (*TC0002*) for any interested party who has not assented to the petition
- If box #15 is checked off:
  - Clinician's Affidavit as to Competency and Treatment (*MPC 800*)
  - Proposed Treatment Plan (*MPC 825*) with proposed findings (if request to treat with antipsychotic meds)
  - Affidavit from treating clinician and proposed findings (if there is a request for extraordinary authority, or authority for which a substituted judgment determination may be required)
- If available, a copy of the following must be filed with the court: a document nominating a Guardian, a current Conservator, a Representative Payee, a Health Care Agent, and/or a Durable Power of Attorney/Agent

**Appointment of Guardianship of Minor**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Appointment of Guardian of Minor (*MPC 140*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
  - Each petitioner must sign an Affidavit Disclosing Care or Custody

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Birth Certificate
  - *Strongly recommended at time of initial filing*
  - If unable to obtain a certified copy:
    - Motion to Order Release of Certified Copy of Birth Certificate to the Court, **OR**
    - Motion to File Late with supporting Affidavit or Verified Motion
- Decree and Order of Appointment of Guardian of Minor (proposed) (*MPC 740*)
- Bond (proposed) (*MPC 801*)
- If there is a deceased legal parent: Copy of the Death Certificate
- If the minor is 14 years or older, they can consent or nominate (*MPC 441*)
- If parent(s) agree with the appointment: Notarized Waiver and Consent (*MPC 440*)
- If the parent(s) or other interested person(s) assent (*MPC 440*)
- Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*) for all interested parties, guardian(s) and/or parent(s)
- Military Affidavit (*TC0002*) when the respondent does not file an answer or appearance, or does not appear on the hearing date
- If available, a copy of the following must be filed with the court: nomination of a guardian by will or other writing signed by the parent(s) or guardian(s), a termination of parental rights, a guardian who has died or become incapacitated, or any order or other relevant documents

**Petition for Conservatorship for Adult**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Appointment of Conservator for Disabled Person or For Single Transaction (*MPC 130*)
- Medical Certificate (*MPC 400*) **OR** Clinical Team Report (*MPC 402*)
  - Medical Certificate must be dated within 30 days of filing the petition
  - Clinical Team Report must be dated within 180 days of filing the petition

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Appointment of Conservator (proposed) (*MPC 730*)
- Bond (proposed) (*MPC 801*)
- Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*) for proposed conservator(s)
- Military Affidavit (*TC0002*) for any interested persons who have not assented to the petition

- If available, a copy of the following must be filed with the court: a document nominating a Guardian, a current Conservator, a Representative Payee, a Health Care Agent, and/or a Durable Power of Attorney/Agent
- If seeking authority for estate planning powers, a copy of the following must be filed with the court: estate plan, will, trust, and motion to appoint a GAL

### **Petition for Conservatorship for Minor**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Appointment of Conservator for Disabled Person or For Single Transaction (*MPC 130*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
  - Each petitioner must sign their own Affidavit Disclosing Care or Custody

#### **Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Birth Certificate (*if not already in an existing file*)
  - *Strongly recommended at time of initial filing*
  - If unable to obtain a certified copy:
    - Motion to Order Release of Certified Copy of Birth Certificate to the Court, **OR**
    - Motion to File Late with supporting Affidavit or Verified Motion
- Decree and Order of Appointment of Conservator (proposed) (*MPC 730*)
- Bond (proposed) (*MPC 801*)
- If there is a deceased legal parent: Copy of the Death Certificate
- Court Activity Record Information (CARI) and Warrant Management System (WMS) Release Request (*CJP 34*) for all interested parties, proposed conservator(s) and/or parent(s)
- Military Affidavit (*TC0002*) for any interested persons who have not assented to the petition
- If available, a copy of the following must be filed with the court: document nominating a Guardian, a current Conservator, or any order or other relevant documents, a copy must be filed with the Court
- If seeking authority for estate planning powers, a copy of the following must be filed with the court: estate plan, will, trust, and motion to appoint a GAL

### **Petition for Grandparent Visitation: G.L. c. 119, § 39D**

[Refer to: G.L. c. 119, §39D](#)

- Petition for Grandparent Visitation (*CJD 105*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
  - Each petitioner must sign an Affidavit Disclosing Care or Custody
- If petitioner has an attorney: Uniform Counsel Certification Form (*CCF*)



- An affidavit describing: how the grandparent(s) are involved with the grandchild(ren), what their relationship is like, and a description of how the child(ren) will be negatively impacted if there is no visitation

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified Copy of Birth Certificate
  - *Strongly recommended at time of initial filing*
  - If unable to obtain a certified copy:
    - Motion to Order Release of Certified Copy of Birth Certificate to the Court, **OR**
    - Motion to File Late with supporting Affidavit or Verified Motion
- Military Affidavit (TC0002) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Petition for Adoption: G.L. c. 210**

[Refer to: G.L. c. 210](#)

- Petition for Adoption with Affidavit (CJP 87)
- Affidavit Disclosing Care or Custody Proceedings (OCAJ-1 TRC IV)
  - Each petitioner must sign an Affidavit Disclosing Care or Custody

**ALERT:** These documents are not expressly required by statute or rule, but failure to collect these documents at the initiation will result in a citation being issued for notice to persons who have no legal right to notice.

- Adoption Surrender form (G.L. c. 210, § 2)
  - If given by a legal parent; required to avoid service of citation on parent
- Certified Copy of Termination of Parental Rights Decree
  - If entered against a legal parent; required to avoid service of citation on parent
- Certified Copy of Death Certificate
  - If parent is deceased; required to avoid service of citation on deceased parent

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Certified copy of Minor's Birth Certificate
  - *Strongly recommended at time of initial filing*
  - The certified copy should be issued within six months of filing the petition
- Certified copy of each Petitioner's Birth Certificate
- A CARI Release Request Form (CJP 34) for each petitioner and every other person over the age of 11 living in the household
  - This requirement does not include a legal parent of the adoptee
  - A CARI Release Request Form for the adoptee is required when the adoptee is over the age of 12

- A Federal Register of Missing Children Report must be obtained from the Department of Children and Families (DCF), *usually gathered by the court adoption clerk*
- An Agency Report/Home study is required only when the child is 14 years or younger
  - This requirement may be waived by the judge upon filing a motion when one of the petitioners is the child's legal parent
- Motions to waive any of the requirements enumerated in G. L. c. 210, §5A, may be grouped into a single motion
  - A supporting affidavit filed by the petitioners may be used to support such a motion
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

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### For all MUPC Estate information:

[Guide to Estate Administration Practices & Procedures in the Probate and Family Court](#)

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### Subsequent Actions

#### **Complaint for Contempt**

[Refer to: G.L. c. 215, §34](#)

- Complaint for Contempt (*CJD 103*)
- If complaint concerns a child-related issue: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

#### **Complaint for Modification of Alimony: G.L. c. 208, §§48-55**

[Refer to: G.L. c. 208, §§48-55](#)

- Complaint for Modification of Alimony (*CJD 108*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Financial Statement
- Military Affidavit (*TC0002*) when the defendant does not file an answer or appearance, or does not appear on the hearing date

**Complaint for Modification**

[Refer to: Massachusetts Law about Modifications](#)

- Complaint for Modification (*CJD 104*)
- If children are listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-TRC IV*)
- If plaintiff has an attorney: Uniform Counsel Certification Form (*CCF*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Financial Statement (*if applicable*)
- If child support is being addressed (or waived):
  - Child Support Guidelines Worksheet (*CJD 304*)
  - Findings and Determinations for Child Support and Post-Secondary Education Form (*CJD 305*)

**Joint Petition for Modification**

[Refer to: Supplemental Probate and Family Court Rule 412](#)

- Joint Petition/Motion to Change a Judgment/Temporary Order (*CJD 124*)
- Notarized Agreement to Change a Judgment/Temporary Order (*CJD 311*)
- If there are children listed: Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)
  - Each petitioner must sign an Affidavit Disclosing Care or Custody
- Proposed Judgment/Temporary Order (*CJD 446*)
- If financial issues are being modified: Financial Statements (*CJD 301S/L*)
  - From each party with schedules if applicable
- If child support or medical, dental or vision insurance is being modified (or waived): Child Support Guidelines Worksheet (*CJD 304*)
- If the child support is being changed and the parties deviate above or below the guidelines amount (or waived): Proposed Child Support Findings and Determination for Child Support and Post-Secondary Education Form (*CJD 305*)
- If a party and/or a dependent child is a current recipient of public assistance or owes past-due support assigned to the Commonwealth, and if child support or medical insurance is being modified: Written Assent from DOR as the IV-D agency

**Removal of Guardian of a Minor**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Removal of a Guardian of a Minor (*MPC 240*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of Guardianship of a Minor (proposed) (*MPC 743*)

**Resignation of Guardian of a Minor**

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Resignation of a Guardian of a Minor (*MPC 241*)
- Affidavit Disclosing Care or Custody Proceedings (*OCAJ-1 TRC IV*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of Guardianship of a Minor (proposed) (*MPC 740*)

**Resignation of a Guardian and/or Conservator\*** (*see page 13*)

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Resignation of a Guardian and/or Conservator (*MPC 202*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of **Guardianship** for an Incapacitated Person (proposed) (*MPC 723*)
- Decree and Order of Resignation, Removal, Termination of **Conservatorship** (proposed) (*MPC 733*)

**Termination of a Guardian/Conservator\*** (*see page 13*)

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Termination of a Guardian/Conservator (*MPC 203*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of **Guardianship** for an Incapacitated Person (proposed) (*MPC 723*)
- Decree and Order of Resignation, Removal, Termination of **Conservatorship** (proposed) (*MPC 733*)
- Medical Certificate dated with an examination having taken place within 30 days of the filing, or a clinical team report dated with an examination having taken place within 180 days of the filing of the petition
  - If cannot be filed, a motion to be filed requesting to file late or waive the filing requirement with an accompanied affidavit

**Removal of a Guardian\*** (*see page 13*)

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Removal of a Guardian (*MPC 221*)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of Guardianship for an Incapacitated Person (proposed) (*MPC 723*)

- Medical Certificate dated with an examination having taken place within 30 days of the filing, or a clinical team report dated with an examination having taken place within 180 days of the filing of the petition
  - If cannot be filed, a motion to be filed requesting to file late or waive the filing requirement with an accompanied affidavit

**Removal of a Conservator\*** (see below)

[Refer to: G.L. c. 190B, Article V](#)

- Petition for Removal of a Conservator (MPC 231)

**Best case practice; to be filed prior to scheduling and/or court hearing:**

- Decree and Order of Resignation, Removal, Termination of Conservatorship (proposed) (MPC 733)

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**\*The following forms are being updated.**

*Included in this update will be a language change which will no longer reference the need to file a Medical Certificate (MPC 400) or Clinical Team Report (MPC 402) for any subsequent action to remove a guardian or terminate a guardianship/conservatorship*

**Forms:**

1. Termination of a Guardian/Conservator (MPC 203); **New name:** Petition for Termination of a Guardian/Conservator of an Adult
2. Removal of a Guardian (MPC 221); **New name:** Petition for Removal of a Guardian of an Adult
3. Removal of a Conservator (MPC 231); **New name:** Petition for Removal of a Conservator of an Adult
4. Petition for Resignation of Guardian and/or Conservator (MPC 202); **New name:** Petition for Resignation of Guardian and/or Conservator of an Adult
5. Decree and Order of Resignation, Removal, Termination of Guardianship for an Incapacitated Person (MPC 723); **New name:** Decree and Order of Resignation/Removal of Guardianship
6. Decree and Order of Resignation, Removal, Termination of Conservatorship for a Protected Person (MPC 733); **New name:** Decree and Order of Resignation/Removal of Conservatorship
7. **NEW:** Decree and Order of Termination of Guardianship (MPC XXX)
8. **NEW:** Decree and Order of Termination of Conservatorship (MPC XXX)