

# **WHAT IS BEST FOR YOUR CHILD?**

**WORKING THROUGH CHILD CUSTODY AND  
VISITATION**



**NEIGHBORHOOD  
LEGAL SERVICES**

**A FAMILY LAW HANDBOOK SERIES PRODUCED BY  
NEIGHBORHOOD LEGAL SERVICES  
THROUGH THE GENEROUS SUPPORT OF THE  
MASSACHUSETTS BAR FOUNDATION**

(2010)

The information provided in this booklet does not constitute legal advice and is based on the laws of Massachusetts as of the publication date.

It is always advisable to seek legal advice from an attorney.  
**A list of resources is available on the last page.**

This booklet was produced by Neighborhood Legal Services, Inc., with assistance from the Massachusetts Law Reform Institute and with funding from the Massachusetts Bar Foundation and the Massachusetts Legal Assistance Corporation.

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December, 1999 (updated 2010)

## Putting the Pieces Together

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Going through a separation or divorce, or deciding to leave an abusive relationship, is not easy. One's life is disrupted and it takes time to put the pieces back together.

If you have children, the legal, financial, and emotional issues are even more complicated. And it is a stressful time for children.

The purpose of this booklet is to give you information about how the law addresses child custody and visitation issues. It will help you think through the legal issues you need to consider to resolve the following questions:

- Where will your children live?
- Who will make important decisions about their lives?
- How do you best arrange for children to see the parent they are not living with?

If parents cannot agree on how to resolve these questions before seeing a judge, the judge will decide how to deal with custody and visitation arrangements. **This booklet will give you information about how judges make these decisions.**

While using this booklet it is important to keep in mind that **every case is different**. This booklet provides only general information. It is not intended to be a substitute for individual legal advice.

If you need advice about how to proceed in your particular situation—especially if both parents do not agree to end the relationship or if you are trying to leave an abusive relationship—you should talk to a lawyer.

## What does “custody” mean?

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In the law, there are two aspects to custody:

**Physical custody** refers to whom a child lives with.

- Sole physical custody means a child lives with one parent.
- Joint or shared physical custody means a child lives part of the time with one parent and part of the time with the other.

**Legal custody** refers to who makes important decisions in the child’s life, such as education, medical treatment, and religious upbringing.

- Sole legal custody means one parent makes all the major decisions in the child’s life.
- Joint or shared legal custody means the parents jointly make major decisions.

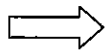
When two parents are married, both parents share physical and legal custody unless and until a Court orders a different arrangement. Under Massachusetts General Laws c.209C section 10, when two parents are *not* married, the mother has sole legal and physical custody unless and until a Court says otherwise, even if the father has acknowledged paternity by court judgment or by being listed on the birth certificate. This booklet discusses how Courts make decisions that change these arrangements.

## What are the most common types of custody arrangements?

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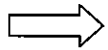
Different types of custody arrangements are appropriate in different situations. There are many issues to consider, such as the ability of parents to communicate, what is best for the child, where each parent lives, the parent's involvement in caretaking of the child and their relationship to their child.

The three most common custody arrangements are:



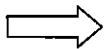
### **Sole physical custody to one parent and shared legal custody to both parents.**

This means that the child will live with one parent, who will be responsible for making day-to-day decisions for the child. But both parents will be expected to make decisions together on important issues in the child's life.



### **Sole physical and sole legal custody to one parent.**

This means the child lives with one parent, who is solely responsible for making the important decisions for the child. A situation where this may be a good idea is when there has been violence by one parent toward another and communication may not be possible or wise. Sole physical and legal custody may also be appropriate when one parent has a serious alcohol or drug problem, serious mental health problems, a serious criminal history, a history of abusing a child, or has never before taken any responsibility for the child.



### **Shared physical and legal custody.**

This means that a child lives part of the time with one parent and part of the time with another parent, and that both parents together make decisions on important issues. This works best when there is good communication between the parents and they live near each other. Courts will rarely consider this unless the parties are able to agree without court involvement.



**Note:** It is important to point out that when the parties are married both parents have physical and legal custody until a court says otherwise.

Under Mass General Laws c.209C Section 10, when the parties are not married, the mother has sole legal and physical custody of the child unless and until there is a court order otherwise. It does not matter if paternity has been established.

## What does a judge look at when deciding custody?

If parents cannot agree on how to resolve the issue of custody, a judge will decide who gets custody. While no one can predict how a particular judge will decide in your case, there are a number of issues that judges will consider when making a decision about who gets custody.

**The primary factor that judges look at when deciding both physical and legal custody is what is in the best interests of the child.** Judges give custody to the parent who they believe can best meet the child's needs. To determine what is in the best interest of the child, the judge looks at the following:

### **Who has been the primary caretaker?**

One thing that judges consider to be very important—especially in deciding who the child should live with—is who has been the child's primary caretaker.

The primary caretaker is the parent who has had the main responsibility for care of the child—the person who spent the most time with the child, who took the child to the doctor, changed diapers, fed the child, and made arrangements for schooling and other activities.

In some situations, it is very clear who the primary caretaker is. In others, it is less clear.

### **Is the primary caretaker unfit?**

Often, judges give physical custody to the primary caretaker, unless a judge concludes that the primary caretaker is unfit.

Unfit means that the parent has a serious problem that would put the child at risk of abuse or neglect. Some examples of unfitness are: a serious alcohol or drug problem; a serious mental health problem; a serious criminal history; a serious problem with the Department of Children and Families (DCF); or a history of child or partner abuse.

### **Has there been domestic violence between the parents?**

MGL Chapter 208, Section 31(a) states that: “[i]n issuing any ... custody order, the probate and family court shall consider evidence of past or present abuse toward a parent or child as a factor contrary to the best interests of the child.”

Also, the highest court in Massachusetts has ruled, in a case called *Custody of Vaughn*, that when there has been domestic violence between parents, judges must consider the effects that this violence has had on the child before making a decision about custody.

The court said that “physical force within the family is intolerable,” and such violence is “a violation of the most basic human right . . . the right to live in physical security.”

The court also stated that witnessing domestic violence has a major impact on children and can create serious psychological problems for them.

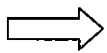
What this case means is if you have been a victim of domestic violence and a judge gives the abuser either physical or legal custody, the judge must explain in writing why that decision is in the best interests of the child.

## **How does custody relate to visitation?**

Visitation is a legal term that refers to the arrangements for a child to see the parent he or she is not living with. In many situations where one parent has physical custody, the other parent has visitation.

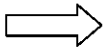
## **What options are there for visitation?**

There are a number of different ways to arrange visitation and how you do it depends on your situation.



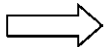
### **Visitation Schedule**

In some cases, parents may want to set up a very clear visitation schedule. For example, if communication between parents is not good, it is best to have a set schedule. Then parents will not have to be in constant contact to try and agree on when visits will take place each week. When setting up a visitation schedule, parents should base it on the needs of the child, as well as the schedule of both parents.



### **Reasonable Visitation**

If communication between parents is excellent, another option is to leave visitation flexible rather than setting up a schedule in advance. Parents can then arrange with each other when visits can take place. This is referred to in a visitation agreement or court order as “reasonable visitation.”



### **Supervised Visitation**

In some situations, it may not be safe for a child to be left alone with a parent during visitation. If this is the case, one option is to arrange for supervised visitation. Supervised visitation means that a third party (not the other parent) is present during visits to make sure that the child is safe and the visiting parent acts appropriately. If a supervisor believes that the child is not safe, he or she can stop the visit.

For example, supervised visitation may be appropriate when the visiting parent has a history of abuse toward that child or any other child or toward the other parent, or has had an alcohol or drug abuse problem, a criminal record, mental health problems, or a serious problem with the Department of Children and Families.

When arranging for supervised visitation, the supervisor should preferably be someone whom both parents can agree on and with whom the child feels comfortable. A supervisor can be a friend, relative, or professional visitation supervisor. The court can provide you with a list of court-approved professional visitation supervisors and how much they charge. If you feel the other parent needs the supervision, you may want to file a motion requesting that he/she be responsible for payment of the visitation supervisor.

## **Are there good ways to structure visitation when one parent has abused the other?**

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Yes. If there has been violence between parents, it might not be safe for the parents to have contact with each other during visitation. Sometimes abusive people will use visitation as a way to continue being abusive after separation.

If you have been a victim of violence by your child's other parent and you have agreed to visitation or a court has ordered visitation, you can make visitation safer for yourself and your child by considering the following options:

### **Have a clear visitation schedule.**

When there has been domestic violence, it is important to have a clear visitation schedule. A clear visitation schedule will make it possible for visits to take place without parents having to constantly be in contact with one another. This schedule should be part of your separation agreement or court order.

### **Arrange for a third party to pick up and drop off the children.**

A good way to avoid contact with an abusive partner or former partner during visitation is to have a third party pick up and drop off the child. The third party should preferably be someone whom both parents can agree on and with whom the child feels comfortable.

### **Arrange for a third party through whom you can communicate.**

Often, when there has been a history of violence, it is important that the parents avoid talking to each other about the visitation schedule or any changes in the schedule. A good way to avoid talking to an abusive partner about visitation schedules is to choose a third party whom both parents can contact if either parent has to change the visitation plans. This will allow the parents to deal with changes in the visitation schedule that will happen from time to time without having to be in direct contact.

### **Ask for supervised visitation, if appropriate for the child.**

Often it is important for the child's safety that visits be supervised between a child and a parent who has abused that child's other parent. This is because, in many situations where a parent has abused another parent, he or she has abused or will abuse the child. Also, a child may have been frightened or traumatized by seeing abuse of a parent and will feel unsafe around the abuser unless someone else is there. Supervised visits are also a good way for parents to avoid contact because one parent can drop off the child at the place where the visits take place and leave before the other parent arrives for the visit. If you are unable to locate a professional supervisor on your own you should consult the Probation Department of the Essex Probate and Family Court. The court has a list of court-approved professional visitation supervisors. In some cases, particularly those involving serious domestic violence or child abuse, it may be appropriate to use a visitation center.

If your child's other parent will not agree to one or more of these arrangements, and you believe they are necessary for your safety or your child's safety, you can ask a court to order them by filing a motion stating your request, along with an affidavit explaining the need behind the request. Additionally, if for safety reasons you do not want to disclose your address on court forms, you can file a Motion to Impound your address. If the Motion is granted, the Court will keep your address confidential.



## **If you have a restraining order, can you keep it and still have visitation take place?**

Yes.

If you have agreed to visitation or a court has ordered visitation, you can keep your restraining order and all of the protections that you need in the order. For example, you can keep in your restraining order that your child's other parent will not abuse you and will not contact you and then add that the other parent may contact you through a third party to make visitation arrangements.

To do this, you need to go to court and make the changes in the restraining order about visitation. But you must make sure that you keep the protections in the restraining order that you need. For information about how to do this, see a lawyer or domestic violence advocate.

## **Is there a situation when visitation is not appropriate?**

In some very rare situations, it may be in the child's best interest not to have any visitation with the other parent. For example, when the other parent has abused that child, the child could become very upset or frightened by seeing that parent or be at risk of further abuse.

## **If a parent pays child support, is s/he entitled to visitation?**

If parents cannot agree on visitation, a judge will decide what the arrangement will be. As with custody, the judge will look at what is in the best interests of the child.

A judge will not look at whether a parent is paying child support. People often think that if a parent pays child support, then that parent is automatically entitled to visitation. People also think that if a parent is not paying child support, she or he is not entitled to visitation. Neither is true.

Judges do not consider child support and visitation to be connected. Judges make visitation decisions based on what is best for the child. For example, if a person is paying child support but has abused the child, a judge may not think visitation is in the child's best interest.

On the other hand, even if a parent is not paying child support, if a judge believes that visits with that parent are good for the child, the judge will not deny that child the opportunity to see their parent.

## **When you go to court, how can you best present your case for child custody and visitation?**

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When you are trying to convince a judge to give you custody, talk about what is best for the child—not what is best or fair for you. Remember, judges are thinking about what is best for the child—not what is best for you, the parent.

Judges will be most open to hearing from people who show that they are thinking about the child's needs.

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This booklet contains only select sample forms. For other forms and information about how to file and process papers in Court, see the booklet, *Information About How to File Papers in Essex Family and Probate Court*.

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Commonwealth of Massachusetts

The Trial Court

Essex Division

Probate and Family Court Department

Docket No. \_\_\_\_\_

Complaint by Parent for Custody of Minor Children

Jane Doe, Plaintiff

v.

John Doe, Defendant

- 1. Plaintiff, Jane Doe who resides at 123 Ocean St. (Street and No.) Lynn Essex MA 01902 (City or Town) (County) (State) (Zip) is the spouse of defendant, John Doe who resides at 200 South St. (Street and No.) Salem Essex MA 01970 (City or Town) (County) (State) (Zip) The parties were married at Lynn, MA on 6/1/2000 (City or Town, State) (Date of Marriage)

2. Plaintiff and defendant are actually living apart from each other.

3. Children been born to the parties as set forth below:

Table with 3 columns: Name, Date of birth, Current Residence. Rows include Jessica Doe and James Doe.

4. Plaintiff further represents that the happiness and welfare of said minor children require that Plaintiff should have custody and possession of children.

5. WHEREFORE, Plaintiff makes demand that this Honorable Court make such order as it deems necessary and appropriate concerning the care, custody, education and maintenance of said minor children and order that children remain with Plaintiff.

Dated: September 21, 2010

Respectfully submitted. Jane Doe, Pro Se 123 Ocean St. Lynn, MA 01902

Commonwealth of Massachusetts

The Trial Court

Division Essex

Probate and Family Court Department

Docket No. \_\_\_\_\_

COMPLAINT FOR SUPPORT-CUSTODY-VISITATION
PURSUANT TO G.L. c. 209 C

John Doe, Plaintiff v. Jane Smith, Defendant

1. Plaintiff, who resides at 200 South St, Salem, Essex, MA 01970, is

- 1. Plaintiff, who resides at 200 South St, Salem, Essex, MA 01970, is
[x] the mother of a child born out of wedlock.
[ ] a child born out of wedlock.
[ ] the guardian of a child born out of wedlock.
[ ] the parent of the mother of a child born out of wedlock.
[ ] the Department of Social Services agency licensed under G.L. c. 28A
[ ] the Department of Revenue

2. The child who is the subject of this complaint is: Name Jessica Smith Doe Date of Birth May 5, 2007 who resides at 125 Main St #2, Lynn, Essex, MA 01902

3. Defendant, who resides at 125 Main St #2, Lynn, Essex, MA 01902 is the mother of the above-named child who was born out of wedlock.

- 4. The plaintiff and defendant are not married.
5. The mother of the child was not married at the time of the child's birth and was not married within three hundred days before the birth of the child.
6. The plaintiff signed a voluntary acknowledgement of paternity was adjudicated the father on \_\_\_\_\_, a copy of which is attached to this complaint.

- 7. Wherefore, plaintiff requests that the Court:
[ ] order a suitable amount of support for the child.
[ ] order the plaintiff defendant to maintain provide health insurance for the benefit of the child.
[ ] prohibit the defendant from imposing any restraint on the personal liberty of the plaintiff and/or the child.
[x] grant the plaintiff defendant custody of the child.
[ ] grant the plaintiff defendant visitation rights with the child.
[x] any other relief as this court may deem appropriate.

Date September 21, 2009

John Doe (Signature of attorney or plaintiff, if pro se)
John Doe, Pro Se (Print name)
200 South Street (Street address)
Salem, MA 01970 (City/Town, State, Zip)

Tel. No. +1 (978) 744-1234

B.B.O. # \_\_\_\_\_

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Division Essex

Docket No. \_\_\_\_\_

**MOTION FOR**

Jane Doe  
Plaintiff/Petitioner

Temporary Custody Order

V.

John Doe  
Defendant/Respondent

Now comes Jane Doe,  Plaintiff  Defendant  Petitioner  Respondent,  
(name of moving party)

in this action who requests:

To issue an order awarding Plaintiff sole physical and joint/sole legal custody of the minor children.  
As grounds for this request, Plaintiff states that she is the mother of the children and that this custody arrangement would be in the best interest of the children.  
Wherefore, Plaintiff requests a custody order.

Date September 21, 2010

Jane Doe  
(Signature of attorney or plaintiff, if pro se)

Jane Doe, Pro Se  
(Print name)

123 Ocean St  
(Street address)

Lynn MA 01902  
(City/Town) (State) (Zip)

Tel. No. +1 (781) 599-1234

B.B.O. # \_\_\_\_\_

**NOTICE OF HEARING**  
This motion will be heard at the Probate and Family Court

In \_\_\_\_\_  
(city)

on \_\_\_\_\_  
(month/day/year)

at \_\_\_\_\_  
(time of hearing)

The within motion is hereby  ALLOWED  DENIED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUSTICE OF PROBATE AND FAMILY COURT

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Division Essex

Docket No. \_\_\_\_\_

**MOTION FOR**

Temporary Custody Order

Dated: September 21, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have delivered a copy of this motion to:

John Doe  
(name of party or attorney of record)

200 Noplace St. Salem MA 01970  
(Street address) (City/Town) (State) (Zip)

By  delivery in hand \_\_\_\_\_ at \_\_\_\_\_  AM  PM  
(date of delivery) (time)

mailing (postage paid on) September 21, 2010  
(date of mailing)

Jane Doe  
(signature)

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Docket No. \_\_\_\_\_

Division Essex

Jane Doe

Plaintiff/Petitioner

V.

John Doe

Defendant/Respondent

**AFFIDAVIT IN SUPPORT OF  
Motion for Temporary Order of  
Custody**

In support of Motion for Temporary Order of Custody Plaintiff \_\_\_\_\_ states as follows:  
(plaintiff/defendant)

1) (Explain what type of custody arrangement you would like and why it would be in the best interest of the children.)

2) (State if you have been the primary caretaker of the children and for how long).

3) (Explain the extent of your involvement with your children, including daily activities such as feeding, bathing, dressing, attending school meetings, medical appointments, etc.)

4) (If appropriate, explain why it may not be in the children's best interest for the other parent to have custody.)

Signed under the pains and penalties of perjury.

Date September 21, 2010

\_\_\_\_\_  
(Signature of attorney or plaintiff, if pro se)

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT

Docket No: \_\_\_\_\_

Essex \_\_\_\_\_ Division

Jane Doe \_\_\_\_\_, Plaintiff

vs.

Plaintiff's

John Doe \_\_\_\_\_, Defendant

PROPOSED ORDER

Upon the Motion for Temporary Order of Custody

dated: September 21, 2010 and filed with this court on September 21, 2010 20 10

After hearing and pending further order or judgment of this Court, IT IS ORDERED THAT  
(Describe in detail the relief order you seek.)

- 1) Plaintiff shall have legal custody of:  
James and Janet Doe  
the minor child/ren of the parties, plaintiff shall have physical custody of said child/ren.
- 2) \_\_\_\_\_ shall have the following visitation rights:  
\_\_\_\_\_  
\_\_\_\_\_
- 3) \_\_\_\_\_ shall pay, as child support, the sum of \$ \_\_\_\_\_ each and every  
\_\_\_\_\_ hereafter, beginning \_\_\_\_\_ 20 \_\_\_\_\_ to the  
\_\_\_\_\_ by \_\_\_\_\_
- 4) \_\_\_\_\_ shall obtain \_\_\_\_\_ insurance coverage  
for said child/ren and for the \_\_\_\_\_
- 5) \_\_\_\_\_ shall pay to the \_\_\_\_\_ % of the uninsured  
medical, dental, hospital and optical expenses of the child/ren.
- 6) Other - Please specify \_\_\_\_\_

TEMPORARY ORDER

The Court hereby adopts this proposed order, he parties shall comply with the terms and provisions thereof.

\_\_\_\_\_  
Date Justice of the Probate Court

Jane Doe  
(Signature)

Jane Doe, Pro Se

(Print Name)

123 Ocean St.

(Street Address)

Lynn

(City or Town)

MA

(State)

01902

(Zip Code)

Tel. No. (781) 599-1234

c.g.f.



Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Division Essex

Docket No. \_\_\_\_\_

**MOTION FOR**

Jane Doe  
Plaintiff/Petitioner

Temporary Order of Visitation

V.

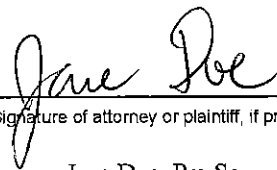
John Doe  
Defendant/Respondent

Now comes Jane Doe,  Plaintiff  Defendant  Petitioner  Respondent,  
(name of moving party)

in this action who requests:

To issue an order providing for reasonable visitation with the minor children of the marriage.  
As grounds for this request, Plaintiff states that she is the mother of the children and that it is in the best interest of the children to visit regularly with their mother.  
Wherefore, Plaintiff requests reasonable visitation.

Date September 21, 2010

  
(Signature of attorney or plaintiff, if pro se)

Jane Doe, Pro Se  
(Print name)

123 Ocean St.  
(Street address)

Lynn MA 01902  
(City/Town) (State) (Zip)

Tel. No. +1 (781) 599-1234

B.B.O. # \_\_\_\_\_

**NOTICE OF HEARING**

This motion will be heard at the Probate and Family Court

In \_\_\_\_\_  
(city)

on \_\_\_\_\_  
(month/day/year)

at \_\_\_\_\_  
(time of hearing)

The within motion is hereby  ALLOWED  DENIED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ JUSTICE OF PROBATE AND FAMILY COURT

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Division Essex

Docket No. \_\_\_\_\_

**MOTION FOR**

Temporary Order of Visitation

Dated: September 21, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have delivered a copy of this motion to:

John Doe  
(name of party or attorney of record)

200 Noplace St. Salem MA 01970  
(Street address) (City/Town) (State) (Zip)

By  delivery in hand \_\_\_\_\_ at \_\_\_\_\_  AM  PM  
(date of delivery) (time)

mailing (postage paid on) September 21, 2010  
(date of mailing)

Jane Doe  
(signature)

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

Docket No. \_\_\_\_\_

Division Essex

Jane Doe

Plaintiff/Petitioner

V.

John Doe

Defendant/Respondent

**AFFIDAVIT IN SUPPORT OF  
Motion for Temporary Order of  
Visitation**

In support of Motion for Temporary Order of Visitation Plaintiff \_\_\_\_\_ states as follows:  
(plaintiff/defendant)

1) The children of the marriage are presently residing with the Defendant

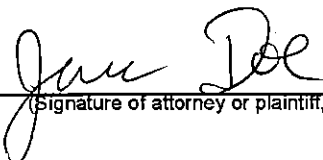
2) I would like to have regular visits with my children. (Explain here the type of visitation schedule you would like).

3) (Explain why you need this visitation order and why visitation would be in the best interest of the children.)

4) (You may add any other relevant information here.)

Signed under the pains and penalties of perjury.

Date September 21, 2010

  
\_\_\_\_\_  
(Signature of attorney or plaintiff, if pro se)

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT

Docket No: \_\_\_\_\_

Essex \_\_\_\_\_ Division

Jane Doe \_\_\_\_\_, Plaintiff

vs.

John Doe \_\_\_\_\_, Defendant

Plaintiff's

PROPOSED ORDER

Upon the Motion for Temporary Order of Visitation

dated: September 21, 2010 and filed with this court on September 21, 2010 20 10

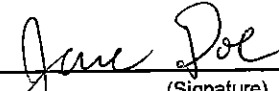
After hearing and pending further order or judgment of this Court, IT IS ORDERED THAT  
(Describe in detail the relief order you seek.)

- 1) \_\_\_\_\_ shall have \_\_\_\_\_ custody of:  
\_\_\_\_\_  
the minor child/ren of the parties, \_\_\_\_\_ shall have physical custody of said child/ren.
- 2) Plaintiff \_\_\_\_\_ shall have the following visitation rights:  
reasonable visitation including (state visitation schedule you requested).  
\_\_\_\_\_
- 3) \_\_\_\_\_ shall pay, as child support, the sum of \$ \_\_\_\_\_ each and every  
\_\_\_\_\_ hereafter, beginning \_\_\_\_\_ 20 \_\_\_\_\_ to the  
\_\_\_\_\_ by \_\_\_\_\_
- 4) \_\_\_\_\_ shall obtain \_\_\_\_\_ insurance coverage  
for said child/ren and for the \_\_\_\_\_
- 5) \_\_\_\_\_ shall pay to the \_\_\_\_\_ % of the uninsured  
medical, dental, hospital and optical expenses of the child/ren.
- 6) Other - Please specify \_\_\_\_\_

**TEMPORARY ORDER**

The Court hereby adopts this proposed order, the parties shall comply with the terms and provisions thereof.

\_\_\_\_\_  
Date Justice of the Probate Court

  
(Signature)

Jane Doe, Pro Se  
(Print Name)

123 Ocean St.  
(Street Address)

Lynn MA 01902  
(City or Town) (State) (Zip Code)

Tel. No. (781) 599-1234

## Helpful Resources

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Many Probate and Family Court Forms Can be Found at:  
<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/forms.html>

General Information on family law issues can be found at: [www.masslegalhelp.org](http://www.masslegalhelp.org)

### Lawyer-for-the-Day

Provides free assistance at the Courthouse in preparing forms and documents for those who are income eligible.

Probate and Family Court-Salem Division  
36 Federal Street, Salem, MA 01970  
Call the court at (978) 744-1020

*Monday, Tuesday, Wednesday  
and Thursday mornings*

Probate and Family Court-Lawrence Division  
Fenton Judicial Center, 2<sup>nd</sup> Floor  
2 Appleton Street, Lawrence, MA 01840  
Call the clerk's office at (978) 686-9692

*Call the Court for the Schedule*

### Legal Services

Provides free legal services to those who are eligible.

Neighborhood Legal Services, Inc.  
37 Friend St, Suite 300 Lynn, MA 01902  
170 Common St, Suite 300 Lawrence, MA 01852  
(781) 599-7730 and (978) 686-6900  
[www.neighborhoodlaw.org](http://www.neighborhoodlaw.org)

*Provides direct representation, Pro Se  
Divorce Clinic, and Helpline advice  
to Southern Essex County*

Merrimack Valley North Shore Legal Services, Inc.  
35 John Street, Suite 302  
Lowell, MA 01852  
(978) 458-1465  
[www.mvlegal.org](http://www.mvlegal.org)

*Provides family law services to  
Essex and Northern Middlesex Counties*

### Reduced Fee Lawyer Referral Programs

Provides referrals to lawyers who may charge reduced fees. Call for eligibility requirements:

Boston Bar Association (*Greater Boston*)  
16 Beacon St., Boston, MA 02108  
(617) 742-0625  
[www.bostonbar.org/lrs/index.htm](http://www.bostonbar.org/lrs/index.htm)

Mass. Bar Association (*statewide*)  
20 West St., Boston, MA 02111  
(617) 542-9103, (866)-627-7577  
[www.massbar.org/lawhelp/need\\_lawyer/](http://www.massbar.org/lawhelp/need_lawyer/)

National Lawyer's Guild  
14 Beacon Street, Suite 407  
Boston, MA 02108  
(617) 227-7008  
[www.nlgmass.org/lrs](http://www.nlgmass.org/lrs)

Essex County Bar Association  
Shetland Office Park  
45 Congress St, Ste. 4100  
Salem, MA 01970  
(978) 741-7888  
[www.essexcountybar.org](http://www.essexcountybar.org)

### The Child Support Enforcement Division (CSE) of the Department of Revenue (DOR)

Provides assistance in establishing paternity and establishing, enforcing, and collecting child support.

Probate and Family Court-Salem Division  
36 Federal Street  
Salem, MA 01970  
(978) 744-1020

Probate and Family Court-Lawrence Division  
Fenton Judicial Center, 2<sup>nd</sup> Fl.  
2 Appleton St., Lawrence, MA 01840  
(978) 686-9692 (*open only Mon. & Wed. 8-1*)

## **The Family Law How-to Series includes:**

Copies of these booklets are available at the Lawyer for the Day Office and Legal Services programs listed inside this booklet.

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- ◆ How to Fill Out a Financial Statement (Short Form)
  - ◆ Divorce and the Alternatives
  - ◆ The Department of Children and Families: Seeking Services, the 51A Investigation and Consumer Rights During an Investigation
  - ◆ Name Changes
  - ◆ Grandparent Visitation
  - ◆ How to Get Child Support
  - ◆ What Is Best for Your Child: Working Through Child Custody and Visitation Issues
  - ◆ Information about How to File Papers in Essex Probate and Family Court
  - ◆ Obtaining Child Support when Getting a Restraining Order: What You Need to Know
  - ◆ Information About How to Establish Paternity
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