

The summons is a notice **from** the court **to** the Defendant.  
The court fills in all of the information on the first page. Then gives or mails the summons to the plaintiff.  
The plaintiff gives this summons and the complaint to a constable or deputy sheriff to "serve" on the defendant.

<b>DIVORCE/SEPARATE SUPPORT SUMMONS</b>	Docket No.	<b>Commonwealth of Massachusetts The Trial Court</b>
<b>JOE TESTER</b> (the plaintiff)	<b>vs.</b>	<b>Mary Tester</b> (the defendant)
To the above named Defendant:	Plymouth Probate and Family Court 52 Obery Street Plymouth, MA 02360 (508) 747-6204	
You are hereby summoned and required to serve upon: <b>Robert Emmet Dinsmore</b> (plaintiff's attorney) <b>118 Willard Street</b> <b>Quincy, MA 02630</b>	If you are the defendant: 1. If you are going to "answer" the complaint 2. You need to give a copy of your answer to whoever is listed here- the plaintiff's lawyer or the plaintiff. 3. You need to file your answer at the court on this page, and 4. You have 20 days after you get this summons to do these things.	
a copy of your answer to the complaint for which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file your answer to the complaint in the office of the Register of this Court at the above named court either before service upon plaintiff or plaintiff's attorney or within a reasonable time thereafter.		

**WITNESS, Hon. Catherine P Sabaitis, First Justice of this Court.**

Date: March 16, 2015

Register of Probate

You can **only** use your money and property to pay for reasonable expenses. You **must not** hide or move your money or property. **Both of you** must follow this order until you get another order from the court about using your money and property.

**AN AUTOMATIC RESTRAINING ORDER HAS BEEN ENTERED AGAINST THE ABOVE NAMED PARTIES WHO ARE PROHIBITED FROM:**

1. Selling, transferring, encumbering, concealing, assigning, removing or in any way disposing of any property, real or personal, belonging to or acquired by, either party, except: (a) as required for reasonable expenses of living; (b) in the ordinary and usual course of business; (c) in the ordinary and usual course of investing; (d) for payment of reasonable attorney's fees and costs in connection with the action; (e) by written agreement of both parties; or (f) by Order of the Court.
2. Incurring any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards;
3. Changing the beneficiary of any life insurance policy, pension or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by Order of the Court.
4. Causing the other party or the minor child(ren) to be removed from coverage under an existing insurance policy, or permitting such coverage to lapse, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect.

**This order is in effect until the earliest of the following: (1) the order is modified or dissolved by the court; (2) the order is modified by a written agreement of the parties with court approval; (3) the entry of a judgment of divorce or separate support; (4) the action is dismissed; or (5) by further order of the court. FAILURE TO COMPLY WITH THIS ORDER MAY BE DEEMED A CONTEMPT OF COURT.**

See [What is the Automatic Restraining Order?](#) on MassLegalHelp for more information.

If a deputy sheriff or constable serves the defendant, the deputy sheriff or constable fills in this section and gives the Proof of Service back to the plaintiff. Then the plaintiff gives the Proof of Service to the court.

<b>DIVORCE/SEPARATE SUPPORT SUMMONS</b>	Docket No. _____	<b>Commonwealth of Massachusetts The Trial Court</b>
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**NOTES**

1. Refer to Supplemental Probate Court Rule 411.
2. After service of the complaint for divorce or separate support, if you wish to modify or dissolve the automatic restraining order, you must file a motion with the court and provide two (2) days' notice to the other party or on such shorter notice as the court may prescribe, a party may appear without thereby submitting his person to the jurisdiction of the court, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

**ACCEPTANCE OF SERVICE**

I, \_\_\_\_\_ Defendant's name \_\_\_\_\_, the above named Defendant hereby accept service of this summons and understand that judgment may be rendered against me in accordance with the complaint, a copy of which I have received this day.

If the defendant is willing to accept service, he or she must sign the summons in front of a notary.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

**NOTARIZATION**

Date: \_\_\_\_\_

\_\_\_\_\_  
SS

Then personally appeared the above named \_\_\_\_\_ who made oath that the foregoing acceptance was his free act and deed.

Signature of Notary Public: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

This is the date the deputy sheriff or constable **serves the defendant**. The same date goes in both places.

**PROOF OF SERVICE**

I hereby certify and return that on \_\_\_\_\_ I served a copy of the within summons, \_\_\_\_\_ (date) together with a copy of the complaint in this action upon the within named defendant by:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signed under the penalties of perjury

Deputy sheriff's or constable's signature

Date of Service: \_\_\_\_\_

(method of service)

The date the sheriff signs the proof of service.

**Method of service** – how the deputy sheriff or constable “served” the defendant, like certified mail, or registered mail. If given to the defendant in person, this will say “by hand.”