

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

Office of Chief Justice for Administration and Management

2. Date Rules Submitted for Approval:

May 18, 2009

3. Date Approved and Promulgated by the Supreme Judicial Court:

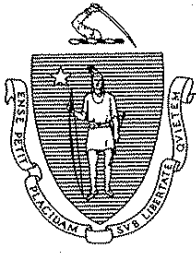
June 24, 2009

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Trial Court Rule IV and Trial Court Rule X (See attached technical amendments to citations)

Effective date - July 1, 2009

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
Two Center Plaza
Boston, Massachusetts 02108

ROBERT A. MULLIGAN
Chief Justice for
Administration & Management

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May 28, 2009

Honorable Roderick L. Ireland
Associate Justice, Supreme Judicial Court
Chair, Supreme Judicial Court Rules Committee
John Adams Courthouse
One Pemberton Square
Boston MA 02108


RE: Uniform Probate Code-Related Changes to Trial Court Rules IV and X

Dear Justice Ireland:

Chief Justice of the Probate and Family Court Paula M. Carey recently submitted a series of rules changes to the Supreme Court Rules Committee that the adoption of the Uniform Probate Code has necessitated. As Chief Justice Carey's recommendations include the technical amendments noted on the attached copies of Trial Court Rules IV and X, I am writing on behalf of the Trial Court to request that the Committee adopt those amendments.

Thank you.

Very truly yours,


Robert A. Mulligan
Chief Justice for Administration
and Management

Enclosures

cc: Chief Justice Paula M. Carey
Christine P. Burak, Secretary

TRIAL COURT RULES

Rule as amended: old language struck through, new language in italics

IV. UNIFORM RULE REQUIRING DISCLOSURE OF PENDING AND CONCLUDED CARE OR CUSTODY MATTERS

Effective November 1, 1983

Applicable to Boston Municipal, District, Juvenile, Probate and Family and Superior Court Departments

Upon the filing or issuance of any petition or complaint involving the care, custody, visitation, or change of name of a child, pursuant to G.L. c. 119 (except delinquency actions under G.L. c. 119), G.L. c. ~~201~~ 190B, G.L. c. 207, G.L. c. 208, G.L. c. 209, G.L. c. 209A, G.L. c. 209C, G.L. c. 210, or any other provision of law concerning the care or custody of a child, the plaintiff shall file an affidavit. Such affidavit shall contain relevant information concerning such child including, but not limited to, a list of all other known proceedings involving the care or custody of said child which are pending or have been concluded in any court in the Commonwealth of Massachusetts or in any court in any other state or foreign country. All other parties appearing in the action shall likewise file such affidavit. No pleading shall be accepted for filing without such affidavit unless the plaintiff or other party has already filed an affidavit, or unless the court, on written motion for good cause shown, extends the time for filing such affidavit. No such extension shall exceed 30 days. A copy of the affidavit shall be furnished by the plaintiff or other party filing it to all other parties to the action. Upon the discovery of new information subsequent to the filing of such affidavit, the plaintiff or other party shall file a revised affidavit.

The plaintiff shall attach to the affidavit certified copies of each pleading and of any determination entered in any care or custody proceeding which the plaintiff knows of, or has participated in, involving the child in any court in any state other than the Commonwealth of Massachusetts or in any foreign country, unless the court, on written motion for good cause shown, extends the time for filing such pleadings and determinations. No such extension shall exceed 30 days, unless the court, on written motion for good cause shown, finds an extension in excess of 30 days is warranted. All other parties shall attach to the affidavit certified copies of each pleading and of any determination entered in any care or custody proceeding as required above, unless previously filed by the plaintiff or unless the plaintiff has been granted an extension for filing such pleadings and determinations.

The court, upon written motion of any party, or upon its own motion, may order the impoundment of an affidavit which discloses the adoption of a child. Impounded affidavits shall not be available for public inspection, but shall be available to the court and its employees, attorneys whose appearances are entered in a case, the parties, the Department of Social Services or its licensed adoption agencies, and such other persons whom the court, upon written motion, may permit.

The affidavit shall be on a form prescribed by the Chief Administrative Justice of the Trial Court, which upon its filing, shall be deemed in compliance with the provisions of G.L. c. 209B, the Massachusetts Child Custody Jurisdiction Act.

Amended effective July 1, 1984; amended July 1, 1993, effective September 1, 1993; amended effective August 1, 1995.

Rule as amended: old language struck through, new language in italics

X. UNIFORM RULE REQUIRING DISCLOSURE OF PRESENT OR PAST RECEIPT OF PUBLIC ASSISTANCE BENEFITS BY MINOR CHILDREN

Adopted Effective February 1, 1993

Upon the filing or issuance of any petition or complaint pursuant to G.L. c. ~~201~~ 190B, G.L. c. 208, G.L. c. 209, G.L. c. 209A, G.L. c. 209C or G.L. c. 209D or any other provision of law concerning the support and maintenance of a minor child, the plaintiff in the action, should any minor child who is named in the petition or complaint be either a past or present recipient of public assistance through Aid to Families With Dependent Children, General Assistance, Medicaid, or Foster Care or any other program established pursuant to G.L. c. 117A, G.L. c. 118, or G.L. c. 118E, shall notify the Child Support Enforcement Division of the Department of Revenue of the pendency of the petition or complaint within three (3) days of its filing. The moving party must thereafter serve notice on the Child Support Enforcement Division of each hearing or trial date with respect to any such petition or complaint.

Notice in compliance with this rule shall be served upon the Department of Revenue at the Office of the Child Support Enforcement Division for the county in which the petition or complaint is pending.

Said notice shall identify the division and department of the Trial Court in which the action has been filed, the title and docket number of the action, the name of the parents of any such child, the Social Security number of each parent and the name or names of any such child or children.

Amended effective December 27, 1995.