MOTION FOR IMPOUNDMENT & AFFIDAVIT G.L. c. 209A, § 8 *or* G.L. c. 258E, § 10	DOCKET NO. *(for court use only)*	**Massachusetts Trial Court**

Pursuant to G.L. c. 209A, § 8 or G.L. c. 258E, § 10, your residential and workplace addresses:

- will automatically be kept from being disclosed to the public.
- will automatically be kept from being disclosed to the defendant and the defendant's attorney unless those addresses appear in the court Order because you have requested that the defendant be ordered to remain away from your residence or workplace.
- will be available to you, to your attorney, to those you authorize to have access, and to certain persons when access is necessary in the performance of their duties (prosecutors, law enforcement officers, victim-witness advocates, sexual assault counselors and, in G.L. c. 209A cases only, domestic violence counselors).

If you have good reasons why your addresses should not be disclosed to those who would otherwise have access in the course of their duties, you may file this motion with the court requesting a judge to issue an Order of impoundment under Trial Court Uniform Rule VIII on Impoundment Procedure. If you have good reasons, you may also request a judge to impound other information in this case from public inspection. You must explain why there is good cause for a judge to do so. Usually a general preference for privacy is not alone a sufficient reason for a judge to impound court records from public inspection. If you are requesting an Order of impoundment without prior notice to the defendant and any other interested persons, you must explain why immediate and irreparable injury may otherwise result.

1. Pursuant to Trial Court Uniform Rule VIII, I request the Court to order:

☐ that ***my residential, workplace and/or school addresses and telephone numbers*** be impounded so that they are not disclosed to those persons who would otherwise have access in the course of their duties.

☐ that ***the following information in the case record*** be impounded and unavailable for public inspection:

_____

_____.

☐ I also request the Court to order such impoundment ***without prior notice*** to the defendant and any other interested persons, since immediate and irreparable injury may otherwise result.

2. This request is based on: _____

_____

_____

_____

_____

If more space is needed, attach additional pages and check this box: ☐

I delcare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED	PLAINTIFF'S SIGNATURE **x**

JUDGE'S ORDER ON MOTION FOR IMPOUNDMENT

☐ Motion **ALLOWED** ex parte based on a showing of good cause and that immediate and irreparable injury may result before the defendant or any other interested party may be heard in opposition.

☐ Motion **ALLOWED** based on a showing of good cause, after hearing with notice to the defendant and any other interested party.

☐ Motion **DENIED**.

DATE SIGNED	JUDGE'S SIGNATURE **x**

EXCERPTS FROM TRIAL COURT RULE VIII

UNIFORM RULES ON IMPOUNDMENT PROCEUDRE

Rule 1. Scope and Applicability of Rules. These rules govern impoundment in civil proceedings in every Department of the Trial Court.

As used herein, "impoundment" shall mean the act of keeping some or all of the papers, documents, or exhibits, or portions thereof, in a case separate and unavailable for public inspection. It shall also be deemed to include the act of keeping dockets, indices, and other records unavailable for public inspection . . . .

Except as otherwise provided in Rule 11, these rules shall be inapplicable to court papers, documents, exhibits, dockets, indices, and other records which are required to be impounded by statute, court rule, or standing order . . . .

Rule 2. Motion for Impoundment. A request for impoundment shall be made by written motion which shall state the grounds therefor and shall include a written statement of reasons in support thereof. The motion shall describe with particularity the material sought to be impounded and the period of time for which impoundment is sought.

A motion for impoundment shall be accompanied by affidavit in support thereof. Unless otherwise provided herein, the rules governing motions and affidavits in civil proceedings generally shall apply to requests for impoundment.

An order of impoundment may be requested prior to the filing of the material sought to be impounded.

Rule 3. Ex Parte Impoundment. An ex parte order of impoundment may be granted by the court without notice only upon written motion supported by affidavit in the manner provided in Rule 2 and only upon a showing that immediate and irreparable injury may result before a party or interested third person can be heard in opposition. An ex parte order of impoundment . . . shall expire by its terms within such time after entry, not to exceed ten days, as the court fixes, unless within the time so fixed, the court extends the order.

If an order of impoundment is granted without notice, the matter shall be set down for hearing at the earliest possible time, and in any event within ten days. On two days' notice to the party who obtained the order of impoundment without notice or on such shorter notice as the court may prescribe, a party or interested third person may move for modification or termination.

An ex parte order of impoundment may be requested prior to the filing of the material sought to be impounded.

Rule 4. Notice. Service of the motion for impoundment and affidavit shall be made on all parties in accordance with . . . the Massachusetts Rules of Civil Procedure . . . .

The court may, prior to hearing, order notice to be given to interested third persons who may not be parties to the action, including persons named in the material sought to be impounded. Notice to such interested third persons shall be given in such manner as the court may direct . . . .

Rule 5. Opposition to Request for Impoundment. Any party or interested third person who has been notified in accordance with Rule 4 of these rules may serve opposing affidavits not later than one day before the hearing, unless the court permits them to be served at some other time . . . .

Rule 6. Motion by Third Persons to be Heard. A person who has not been notified in accordance with Rule 4 of these rules and who desires to be heard in order to request or oppose impoundment may serve on all parties a written motion supported by affidavit . . . .

Rule 7. Hearing. An order of impoundment may be entered by the court, after hearing, for good cause shown and in accordance with applicable law. In determining good cause, the court shall consider all relevant factors, including, but not limited to, the nature of the parties and the controversy, the type of information and the privacy interests involved, the extent of community interest, and the reason(s) for the request. Agreement of all parties or interested third persons in favor of impoundment shall not, in itself, be sufficient to constitute good cause . . . .

Where a public hearing may risk disclosure of the information sought to be impounded, the court may close the hearing to the public. If a hearing is closed to the public, a record of the proceedings shall be preserved stenographically or by a recording device. Appropriate steps shall be taken to preserve the confidentiality of the record.

Rule 8. Order of Impoundment. An order of impoundment, whether ex parte or after notice, may be made only upon written findings. An order of impoundment shall specifically state what material is to be impounded, and, where appropriate, may specify how impoundment is to be implemented. An order of impoundment shall be endorsed with the date of issuance and shall specify the duration of the order.

In its order, the court may allow persons other than those described in Rule 9 of these rules to have access to impounded material, and may order that appropriate deletions or notations be made in the civil docket and indices kept by the clerk.

Rule 9. Clerk's Duties. Upon entry of an order of impoundment, the clerk shall make a notation in the civil docket indicating what material has been impounded. All impounded material shall be kept separate from other papers in the case and shall not be available for public inspection. Such impounded material shall be available to the court, the attorneys of record, the parties to the case, and the clerk, unless otherwise ordered by the court . . . .

Rule 10. Modification or Termination. A party or any interested third person, whether or not notified under Rule 4 of these rules, may, by motion supported by affidavit, seek to modify or terminate an order of impoundment . . . .

Rule 11. Material Impounded by Statute or Rule. This rule applies to requests for relief from impoundment in cases where material is required to be impounded by statute, court rule, or standing order, except where a different procedure is otherwise provided.

Relief from impoundment may be sought by motion supported by affidavit, and shall be granted by the court only upon written findings. The procedure otherwise set forth in these rules shall govern requests for relief from impoundment to the extent practicable.

Rule 12. Review. An order impounding or refusing to impound material shall be subject to review by a single justice of an appellate court in accordance with provisions of law and consistent with the procedure established in Rule 1:15 of the Rules of the Supreme Judicial Court.