

EQUITY COMPLAINT

DOCKET NO.

**Trial Court of Massachusetts
Juvenile Court Department**

EQUITY COMPLAINT FOR _____

PART I.

Plaintiff(s) Name: _____

PART II.

Defendant(s) Name: _____

Plaintiff(s) address and telephone number:

Home No. _____

Work No. _____

Defendant(s) address and telephone number:

Home No. _____

Defendant(s) has/have an Agent. (Complete box below)

Plaintiff(s) Attorney or Agent:

Telephone No. _____

Name, address and telephone number of the Defendant(s) Agent:

Telephone No. _____

PART III.

Plaintiff(s) Claim (See instructions): List event(s) with date(s) that form the basis for your claim.

Date:

Signature(s) of Plaintiff(s):

INSTRUCTIONS FOR FILING AN EQUITY COMPLAINT

COMPLAINT: Type or print the complaint.

PART I: You are the Plaintiff(s), or the person(s) asking the court to order the Defendant(s) to do something. For example, you may be asking the court to enforce a post-adoption contact agreement.

PARTII: Information regarding the Defendant(s): Provide the name(s), address, and telephone number of the Defendant(s) if you know. You may not have the Defendant(s)' full name(s) if this complaint involves a post-adoption agreement. If you do not know the name(s) of the Defendant(s) leave this section blank. The Defendant(s) should have provided you with the name and address of the Agent responsible for receiving service and notices at the time the agreement was signed. In that case, provide the name, address, and telephone number of the Agent. (You can find the Agent's name in the post-adoption agreement.)

PART III: Briefly describe why the court should take the action you are requesting. For example, why you are seeking enforcement of the post-adoption contact agreement. State your claim clearly so the Defendant(s) can understand why you are filing this complaint. Sign your name at the bottom and date the complaint.

Do I need an attorney? You are not required to bring an attorney to the hearing, but you may do so if you wish. By law, the court cannot appoint an attorney for you even if you cannot afford one.

Post-adoption Contact Agreements: If you are seeking enforcement of a post-adoption contact agreement, attach a copy of the post-adoption contact agreement. Return the complaint and a copy of the post-adoption contact agreement to the Clerk-Magistrate's office of the court where you are filing your case. You may bring or mail the completed form to the Clerk-Magistrate's office.

Notice to the Defendant: Once the Clerk-Magistrate receives the completed form, the court will set a date for you and the Defendant(s) to appear in court for a hearing. The following documents must be mailed to the Defendant(s) by certified mail, return receipt requested in accordance with order of service: (The envelope and green certified card will be provided by the court.)

- 1) The Defendant(s)' copy of the Complaint
- 2) Copy of the post-adoption contact agreement (if applicable)
- 3) Defendant(s)' Answer form
- 4) Order of Notice

Take the certified mail receipt, green card, and the envelope containing the above documents to the post office for mailing.

Defendant(s)' Answer: After the Defendant(s) receives your complaint he/she has twenty days to file an answer with the court. The Defendant(s) must also send you a copy of his/her answer.

What happens if you cannot come to court on the date of the hearing? Both parties must appear in court on the date the case is scheduled for hearing. If you cannot come to court on that date, contact the clerk's office immediately upon receipt of your court date. Do not wait until the last minute. **If you fail to appear for the hearing, the court will proceed to the hearing and adjudication of this action.**