

STANDING ORDER 2-05

HAMPSHIRE DIVISION PARENT EDUCATION PROGRAM FOR NEVER MARRIED PARENTS “FOR THE CHILDREN”

This Court finds that the interests of the minor children of never-married parents appearing before it would be well served by educating the parents about children’s emotional needs and the effects of family-related litigation on child behavior and development.

IT IS HEREBY ORDERED THAT:

1. In the Hampshire Division of the Probate and Family Court Department, all parties to a Complaint to Establish Paternity, a Complaint for Custody/Support/Visitation, a Complaint for Modification or Contempt in any case involving visitation, custody or support of minor children of never-married parents filed on or after September 1, 2005, shall attend and participate in a three (3) hour education program known as “*For the Children*”. Complaints filed by the Department of Revenue shall be exempt from this requirement.
2. Attendance at the program is mandatory unless waived by the Court. Parties must register within sixty (60) days of service of the complaint and attend the next available session.
3. No Pre-Trial Conference or Trial will be held by the Court until the Court receives a certificate of attendance from the program or waives the attendance requirement. Nothing herein shall limit the judge or his or her designee from waiving this requirement.
4. The Court may waive the attendance requirement upon motion, with notice, for one or both parties. Waivers will be granted only upon a showing of chronic and severe violence which negates safe parental communication, language barriers, institutionalization or other unavailability of a party, or where justice otherwise indicates.
5. Sanctions may be imposed by the Court for a party’s failure to register with “*For the Children*” within sixty days of service of the complaint.
6. A pamphlet describing “*For the Children*” and including a copy of this Order shall be given to the plaintiff or his/her attorney upon the filing of a complaint involving minor children as set forth above. The plaintiff or his/her attorney shall serve a copy of the pamphlet along with the complaint and summons to the person authorized to make service according to Mass.R.Dom. Rel.P.4(c)
7. The parties shall each pay \$50.00 to “*For the Children*” in advance of the program to offset the cost of materials and facilitators.
8. A party may pay a reduced fee of \$5.00 to “*For the Children*” if that party has submitted and had allowed an “Affidavit of Indigency and Request for Waiver, Substitution or

State Payment of Fees and Costs.” This form is prescribed by the Chief Justice of the Supreme Judicial Court pursuant to G.L. c. 261, sec. 27B, promulgated March, 2003 and is available at the Registry of the Probate and Family Court. The party must submit a copy of the allowed form to “For the Children” when registering at a reduced fee of \$5.00.

9. Nothing herein shall be construed to limit the authority of any Probate and Family Court Justice sitting in the Hampshire Division to order parties to attend a parent education program in any case involving visitation, custody or support of minor children.

10. All information and materials submitted in conjunction with “*For the Children*” shall not be discoverable.

11. The parties to a particular case are prohibited from attending the same program session.

Date

Sean M. Dunphy, Chief Justice

Effective: December 1, 2005