



Massachusetts
Probate
and
Family Court

AF1

Affidavit Disclosing Care or Custody Proceedings

Form and Instructions

Welcome to the
Probate and Family Court
Department of the
Massachusetts Trial Court.

Many Probate and Family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers. Please ask court staff for the pamphlet "Looking for Legal Assistance?" which contains helpful information about obtaining legal advice and representation.

- V** You must complete and file this form in every case involving a child, even if you are not seeking a custody or support order.

Please see the staff at the Registry of Probate if you have questions.

The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney.

**Instructions for Completing the
AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS**

Please print or type all information.

Do not fill in the sample form, use the form provided by the court. Look at the sample on the opposite page to see where to put the required information. For example, put the information asked for in line (A) of these instructions on the same line of the form provided by the court (the letters are not on the form that you will fill out).

This is a two-page, carbonless form. Press hard as you write or type

- (A) At the top of the form, fill in the name of your case. In a guardianship case, write in "**Guardianship of**" followed by the names of the children involved. In a divorce or paternity case, print your name followed by "v." and then the name of your spouse or the child's other parent.
- (B) Put an 'X' in the box next to "**Probate & Family Court**". Over the word "**Division**" fill in the name of the county where you are filing your papers.
- (C) Print YOUR name.
- (D) Print the names of the children involved in this case. In a guardianship, list the children for whom you wish to be guardian. In a divorce, list the children of this marriage. In a paternity case, list all children whose mother and father are both involved in this case.
- (E) Check the box if: (i) you are living in a shelter for battered persons or (ii) you believe that you are in danger of physical or emotional abuse or (iii) you are filing a Chapter 209A Complaint - for Protection from Abuse.

If you check the box, DON'T COMPLETE SECTIONS 4 and 5. Complete Sections 10 and 11 on the back of the form. Then, go to Section 6.

- (F) Write each child's current address here. Look in Section 2 for the letter next to each child's name. Use the same letter to fill in the child's address in this section.
- (G) If any child's address changed in the last two years, write the other addresses here.
- (H) Print your address.
- (I) In this section you must answer these questions: (1) Were you involved in any other court cases involving these children? and (2) Are there any other court cases involving these children, even if you were not involved in the case? If you have been involved in other cases concerning these children, put an "X" in the first box. Otherwise put an "X" in the second box. If you know of other cases concerning these children (but you have not been involved yourself) put an "X" in the third box. Otherwise put an "X" on the fourth box.

If there have been other cases involving these children, complete Sections 7 and 8 on the front of the form and Section 12 on the back. Otherwise, go to Section 9.

- (J) **Complete this section only if there are other cases involving these children.** Use the letters in Section 2 to fill in information about each child. Print the name of the court, the Docket Number, the present status of the case, and what involvement you had with the case. If you were a party put a "**P**" in the brackets. If you were a witness put a "**W**" in the brackets. If you had some other involvement, put an "**O**" in the brackets. If you had no involvement, put an "**N**" in the brackets.
- (K) **Complete this section only if you listed other cases in Section 7.** List the name and address of the people-other than you-involved in the other cases. For example if someone had asked for custody of a child, print that person's name and address. If you divorced the child's parent, put in the name and address of your former spouse.
- (L) Check box only if one of the children was adopted *and* you want this form kept secret
- (M) Sign and date the form. **Print** your name on the line next to your signature.
(Send copies of the form to all parties in this case-not to parties in any other cases)

AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS Pursuant to Trial Court Rule IV

TRIAL COURT OF MASSACHUSETTS



DOCKET NUMBER _____

Name Of Case **(A)** Print child or children's names here

<input type="checkbox"/> Boston Municipal Court	<input type="checkbox"/> District Court	<input type="checkbox"/> Juvenile Court	<input checked="" type="checkbox"/> Probate & Family Court	<input type="checkbox"/> Superior Court
Division	Division	Division	Division	Division

Section 1 **(C)** I, PRINT YOUR NAME HERE, hereby declare, to the best of my knowledge, information, and belief that all the information on this form is true and complete:

Section 2 **(D)** The name(s) of the child(ren) whose care or custody is at issue in this case are:
 A. Print child's name here (LAST, FIRST) B. _____ (LAST, FIRST) C. _____ (LAST, FIRST)
 Use only the letter appearing in front of the child's name above when referring to that child in completing the remaining sections.

Section 3 **(E)** The party filing this affidavit may request certain addresses to be kept confidential if the address is a shelter for battered persons and their dependent children, or the party filing this affidavit believes that he/she is in danger of physical or emotional abuse, or the party is filing an action under G.L.c.209A. If you believe that this provision applies to you, check the box at the right, complete sections 10 and 11 on the reverse side of this page and DO NOT complete sections 4 and 5 below.

Section 4 The names and address of the children whose custody is at issue in this case are:
 CHILD A: **(F)** Print child's address **(G)** Address(es) During Last 2 Years, If Different
 CHILD B: (including street, city, state and ZIP code)
 CHILD C: _____

Section 5 My address is **(H)** Print YOUR address (including street, city, state and ZIP code)

Section 6 I have have not participated in and I know do not know of other care or custody proceedings involving the above-named child(ren) in **Massachusetts or in any other state** or country.

Certified copies of any pleadings or determinations in a care or custody proceeding outside of Massachusetts listed in sections 7 and 8 must be filed with this affidavit unless already filed with this court or an extension for filing these documents has been granted by this court.

Section 7 **(J)** The following is a list of all pending or concluded proceedings I have participated in or know of involving the care or custody of the above-named child(ren):

Letter of Child	Court	Docket No.	Status of Case (Custody awarded to) (Date of award)	(Witness) [Party] [Other] [none]
CHILD _____	_____	_____	_____	
CHILD _____	_____	_____	_____	
CHILD _____	_____	_____	_____	

Section 8 **(K)** The names and addresses of parties to care or custody proceedings involving any of the above-named child(ren) or those claiming a legal right to these child(ren) during the last two years (not including myself) are:

Letter of Child	Name of Party/Claimant	Current (or last known) Address of Party/Claimant
CHILD _____	_____	_____
CHILD _____	_____	_____
CHILD _____	_____	_____

Section 9 **(L)** If the box at the right is checked, this affidavit discloses the adoption of one or more of the above-named child(ren) and I am requesting the court to impound this affidavit. See instructions.

This affidavit must be personally signed by the party listed in section 1 above, unless he/she is under 18 years of age or has been adjudged incompetent in which case the attorney of record must sign. A revised affidavit must be filed with the court if new information is discovered subsequent to this filing.

Signed this _____ day of _____ **(M)** Print today's date 20____ under the penalties of perjury.

(M) SIGN your name _____ PRINT YOUR NAME _____
 SIGNATURE OF PARTY OR ATTORNEY OF RECORD FOR INCOMPETENT/ JUVENILE PRINTED NAME OF PERSON SIGNING

ADDRESS OF ATTORNEY OF RECORD FOR INCOMPETENT/JUVENILE
THE PARTY FILING THIS AFFIDAVIT MUST FURNISH A COPY OF IT TO ALL OTHER PARTIES TO THIS ACTION.