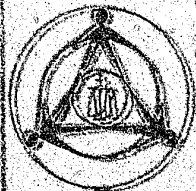




UNCLASSIFIED

39603



**THE AMERICAN UNIVERSITY**

Criminal Courts, Technical Assistance Project  
Institute for Studies in Justice and Social Behavior  
The American University Law School  
Washington, D.C.



**INSTITUTE FOR ADVANCED STUDIES IN JUSTICE**

Nicholas N. Kittrie, Institute Director  
Joseph A. Trotter, Jr., Associate Director  
David J. Saari, Associate Director  
B. J. Tennery, Associate Director

David E. Aaronson & C. Thomas Dienes, Co-principal Investigators  
The Impact of Decriminalization on the Intake Process for Public Inebriates

H. H. A. Cooper, Staff Director  
National Advisory Committee Task Force on Disorders and Terrorism

Jerry V. Wilson, Project Director  
War on Crime in the District of Columbia, 1955-1975

**Criminal Courts Technical Assistance Project**  
Joseph A. Trotter, Jr., Project Director  
Caroline S. Cooper, Deputy Director  
Bert H. Hoff, Assistant Director for Field Services  
Johanna S. Kramer, Coordinator for Evaluation & Followup  
Linda C. Sweeney, Research Assistant  
Mark D. Cherry, Project Coordinator

**Project Advisory Board**  
Nicholas N. Kittrie, Institute for Advanced Studies in Justice  
David J. Saari, Center for the Administration of Justice  
College of Public Affairs

**THE AMERICAN UNIVERSITY**  
George H. Williams, President  
Robert E. Cleary, Provost  
Gordon A. Christenson, Dean, Law School

REVISION OF FORMS FOR USE  
IN CASES OF CHILDREN IN NEED  
OF SUPERVISION (CHINS) IN  
MASSACHUSETTS DISTRICT COURT

October 1975

NATIONAL CENTER FOR STATE COURTS

Daniel Valluzzi  
Samuel Conti  
Dermot Meagher, Consultant  
Lorraine Moore  
Jon Stathakis

NCJRS

MAR 8 1977

ACQUISITIONS

## CONTENTS

I. INTRODUCTION AND DESCRIPTION OF EFFORT

II. REVISED FORMS:

Application for Petition and Notice (4 parts )

Petition and Summons (4 parts )

Arrest Warrant (2 parts )

Mittimus for Failure of Child to Appear (3 parts )

Mittimus for Commitment of Child (3 parts )

Notice of Appeal (2 parts )

APPENDICES:

A. Rule 3:20 Form, Style and Size of Papers Filed  
in all Courts.

B. Explanation of Forms. Numbering Code

C. Guidelines for Forms Design

## I. INTRODUCTION

In Massachusetts the Chief Justice of the District Courts is authorized to require uniform practices (MGLC 218, §4 3B). Pursuant to this power, and in response to recent statutory and administrative changes, the Chief Justice requested LEAA's Criminal Courts Technical Assistance Project at the American University to assist a committee of Justices and Clerks in the drafting and promulgation of uniform forms for use in the State's 72 District Courts in cases involving Children in Need of Services (CHINS). Under the present District Court structure, each of the 72 courts drafts its own forms as do the four specialized Juvenile Courts in Massachusetts. In response to this request, the Project assigned the National Center for State Courts the task of reviewing the current forms with a view to consolidating them and clarifying them as appropriate and providing a rationale for this revision process. Because the CHINS law is a new law (MGLC 119, §39E-J), it was thought by the committee and staff of the Chief Justice that the forms for this rather specialized area would be a good place to begin to seek uniformity in forms.

There are a total of nine forms which could be used in a CHINS case.

They are:

1. application for a petition;
2. notice that a petition has been applied for;
3. the petition;
4. summons to the parent;
5. summons to the child;
6. mittimus for failure to appear;
7. an arrest warrant;
8. an appeal form;
9. a mittimus for custody form.

In reviewing these forms, several principles were followed. First, the forms should be readable by the people to whom they are directed. The basic concept -- that forms should give notice to the people charged or involved in a particular case -- has long been neglected by the writers of forms, not only in Massachusetts but universally. Lawyers' jargon with its "wherefores, therebys, heretofores, and hereins" is often confusing. In this instance, when some of the forms are to be read by children between the ages of six and sixteen (MGLC 119, §21), it is necessary that the forms and the information be as readable as possible.

A second objective was to reduce the amount of language and redundancy in the forms, to avoid repetition and to avoid giving directions to people who probably do know what they're supposed to do anyway. For example, there was a notice to a constable on the summons form giving him elaborate directions as to how he should serve the summons. On the back of the summons was the return which indicated that the summons could only be served in two ways. Just as arcane language can be confusing, too much information on a form can also be confusing. In determining what language was unnecessary and what directions were necessary a deliberate attempt was made to view the forms from the perspective of the reader.

Third, forms should serve as documentation of a case. The history of any given case can be, at least in outline form, determined by various forms completed. For that reason, the forms should indicate as easily and as rapidly as possible to the Judge and the keepers of the records exactly what went on in the given case and when it occurred. As one example, the date was added in the upper left-hand corner of the form, so that the court could de-

termine with some facility the chronological history of the case.

Fourth, the filling out of forms should be as easy as possible. For this reason, five of the forms have been combined into two. The application for petition and the notice (DC-CH-A/N-10) (10/75) have been put on one sheet of paper and the petition itself as well as the summons to the child and the summons to the parent or legal guardian have been put on one sheet of paper. It is expected that, when printed, these would be done on pressure sensitive paper (no carbon paper required) with three copies of the application for petition and notice and four copies of the petition summonses. It is required that the notice of an application for petition be accompanied by the application for petition and that the summons for a hearing on the petition be accompanied by a copy of the petition. It appears much easier to have these on one form, even though, in the latter case, a copy of the parent's summons will also go to the child and vice versa.

Because the copies of these forms will be kept in the court, these forms were combined into one 8 1/2 by 11 sheet in conformity with SJC Rule 3:20 of the Supreme Judicial Court, which goes into effect this year.<sup>1</sup>

Finally, these forms were put into a package and given control numbers. For instance, the application for the petition and the notice regarding such application have been called DC-CH-A/N-10 (10/75); the petition and the two summonses, DC-CH-P/S-11 (10/75); the arrest warrant is DC-CH-W-12 (10/75), the mittimus for failure of child to appear is DC-CH-M/A-13 (10/75); mittimus for commitment of a child is DC-CH-M-14 (10/75), and the appeal is DC-CH-AP-15

---

<sup>1</sup> See Appendix A.

(10/75).<sup>2</sup> These are numbered in the order in which they might arise in any given case. The numbering has been designed so that identification and control in reordering or modification is made easier.

The Administrative Office of the District Courts indicated an intention to produce some copies of such forms for initial use and then to allow each of the courts to produce their own later. The Administrative Office may consider centralized production of the forms to effect economies of scale and to assure uniformity in style and appearance. As part of this technical assistance effort, assistance will be provided to the Administrative Office of the District Courts in the production of the initial packet of forms to be given to each court.

---

<sup>2</sup>

For explanation of codes, see Appendix B.



II. REVISED FORMS

Application for Petition and Notice

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS

Date: \_\_\_\_\_

APPLICATION FOR PETITION  
In the Matter of

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

I, \_\_\_\_\_, of \_\_\_\_\_ apply  
for a petition to issue against \_\_\_\_\_ to  
determine whether he/she is in need of services because he/she

persistently runs away from my home, resulting in my  
inability to adequately care for and protect him/her

persistently refuses to obey my lawful and reasonable  
commands resulting in my inability to adequately care for and  
protect said child

persistently and willfully fails to attend school

persistently violates lawful and reasonable school  
regulations

- I am
- his/her parent and have authority of him/her.
  - his/her legal guardian and have custody of him/her.
  - a police officer of \_\_\_\_\_  
(Town)
  - a supervisor of attendance of the Town of \_\_\_\_\_

Subscribed and sworn to before me this day:  
\_\_\_\_\_  
Clerk

\_\_\_\_\_  
(Signature of Applicant)

NOTICE TO CHILD, PARENT, OR LEGAL GUARDIAN

This court has received the above application requesting  
it to determine whether \_\_\_\_\_ is a child in  
need of services. There will be a hearing on this application  
on \_\_\_\_\_ at \_\_\_\_\_ at the \_\_\_\_\_,

The child and his parents have a right to be and SHOULD BE PRESENT.

\_\_\_\_\_, Clerk

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.

### RIGHTS OF THE CHILD

At the hearing on the application, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.
2. If the child is of the opinion that all or any of the allegations contained in the application are not true, the child may deny them and will be heard.
3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.
4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.
5. The child may produce witnesses on his behalf.
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.

Date: \_\_\_\_\_

APPLICATION FOR PETITION  
In the Matter of

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

I, \_\_\_\_\_, of \_\_\_\_\_ apply  
for a petition to issue against \_\_\_\_\_ to  
determine whether he/she is in need of services because he/she

persistently runs away from my home, resulting in my  
inability to adequately care for and protect him/her

persistently refuses to obey my lawful and reasonable  
commands resulting in my inability to adequately care for and  
protect said child

persistently and willfully fails to attend school

persistently violates lawful and reasonable school  
regulations

- I am  his/her parent and have authority of him/her.  
 his/her legal guardian and have custody of him/her.  
 a police officer of \_\_\_\_\_  
(Town)  
 a supervisor of attendance of the Town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

Clerk

\_\_\_\_\_  
(Signature of Applicant)

NOTICE TO CHILD, PARENT, OR LEGAL GUARDIAN

This court has received the above application requesting  
it to determine whether \_\_\_\_\_ is a child in  
need of services. There will be a hearing on this application  
on \_\_\_\_\_ at \_\_\_\_\_ at the \_\_\_\_\_.

The child and his parents have a right to be and SHOULD BE PRESENT

\_\_\_\_\_, Clerk

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.

Parent or Guardian's Copy

## RIGHTS OF THE CHILD

At the hearing on the application, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.
2. If the child is of the opinion that all or any of the allegations contained in the application are not true, the child may deny them and will be heard.
3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.
4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.
5. The child may produce witnesses on his behalf.
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS

Date: \_\_\_\_\_

APPLICATION FOR PETITION  
In the Matter of

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

I, \_\_\_\_\_, of \_\_\_\_\_ apply  
for a petition to issue against \_\_\_\_\_ to  
determine whether he/she is in need of services because he/she

persistently runs away from my home, resulting in my  
inability to adequately care for and protect him/her

persistently refuses to obey my lawful and reasonable  
commands resulting in my inability to adequately care for and  
protect said child

persistently and willfully fails to attend school

persistently violates lawful and reasonable school  
regulations

- I am
- his/her parent and have authority of him/her.
  - his/her legal guardian and have custody of him/her.
  - a police officer of \_\_\_\_\_  
(Town)
  - a supervisor of attendance of the Town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
(Signature of Applicant)

NOTICE TO CHILD, PARENT, OR LEGAL GUARDIAN

This court has received the above application requesting  
it to determine whether \_\_\_\_\_ is a child in  
need of services. There will be a hearing on this application  
on \_\_\_\_\_ at \_\_\_\_\_ at the \_\_\_\_\_,

The child and his parents have a right to be and SHOULD BE PRESENT.

\_\_\_\_\_, Clerk

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.

Probation Officer's Copy

RIGHTS OF THE CHILD

At the hearing on the application, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.

2. If the child is of the opinion that all or any of the allegations contained in the application are not true, the child may deny them and will be heard.

3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.

4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.

5. The child may produce witnesses on his behalf.

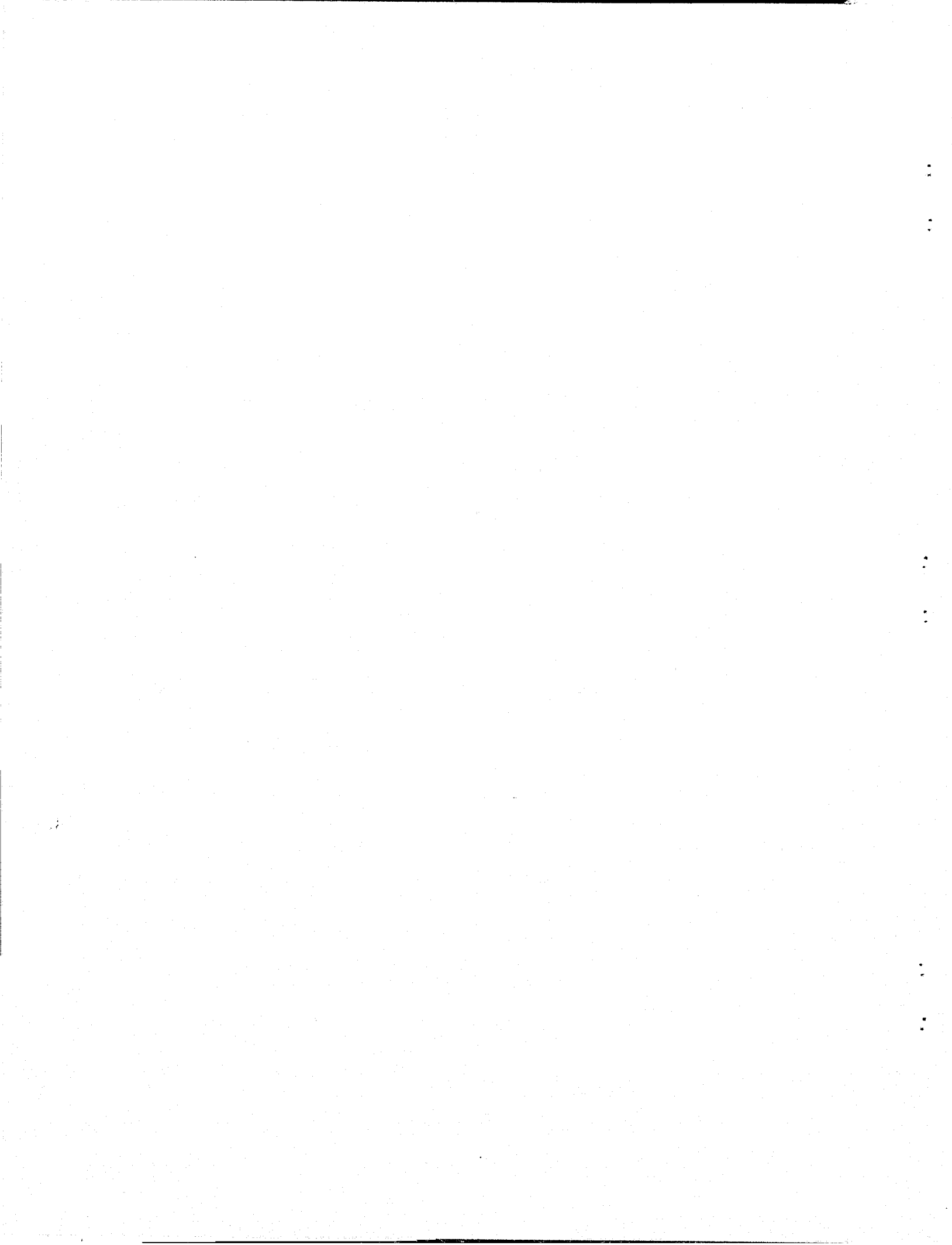
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.



Petition and Summonses



COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS

Date: \_\_\_\_\_

PETITION  
In the Matter of

No. \_\_\_\_\_

(Name and Address  
of Child)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_ complain that  
\_\_\_\_\_ is a child in need of service because he/she  
 persistently runs away from my home, resulting in my inability to  
adequately care for and protect him/her.  
 persistently refuses to obey my lawful and reasonable commands  
resulting in my inability to adequately care for and protect him/her.  
 persistently and willfully fails to attend school.  
 persistently violates lawful and reasonable school regulations.

I request that he/she be made to appear before the court to determine  
if he/she is in need of services and for appropriate orders regarding his/  
her care.

- his/her parent and have authority of him/her.
- his/her legal guardian and have custody of him/her.
- a police officer of \_\_\_\_\_.
- a supervisor of attendance of the town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

Clerk

\_\_\_\_\_  
(Signature of Petitioner)

SUMMONS  
to Child

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

SUMMONS  
to Parent or Legal Guardian

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

RIGHTS OF THE CHILD

At the hearing on the petition, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.
2. If the child is of the opinion that all or any of the allegations contained in the petition are not true, the child may deny them and will be heard.
3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.
4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.
5. The child may produce witnesses on his behalf.
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS

Date: \_\_\_\_\_

PETITION  
In the Matter of

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Address  
of Child)

I, \_\_\_\_\_, of \_\_\_\_\_ complain that  
\_\_\_\_\_ is a child in need of service because he/she  
 persistently runs away from my home, resulting in my inability to  
adequately care for and protect him/her.  
 persistently refuses to obey my lawful and reasonable commands  
resulting in my inability to adequately care for and protect him/her.  
 persistently and willfully fails to attend school.  
 persistently violates lawful and reasonable school regulations.

I request that he/she be made to appear before the court to determine  
if he/she is in need of services and for appropriate orders regarding his/  
her care.

- I am  his/her parent and have authority of him/her.  
 his/her legal guardian and have custody of him/her.  
 a police officer of \_\_\_\_\_.  
 a supervisor of attendance of the town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
(Signature of Petitioner)

SUMMONS  
to Child

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

SUMMONS  
to Parent or Legal Guardian

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

## RIGHTS OF THE CHILD

At the hearing on the petition, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.
2. If the child is of the opinion that all or any of the allegations contained in the petition are not true, the child may deny them and will be heard.
3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.
4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.
5. The child may produce witnesses on his behalf.
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.

DISTRICT COURTS

Date: \_\_\_\_\_

PETITION  
In the Matter of

No. \_\_\_\_\_

(Name and Address  
of Child)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_ complain that

\_\_\_\_\_ is a child in need of service because he/she  
 persistently runs away from my home, resulting in my inability to  
adequately care for and protect him/her.

persistently refuses to obey my lawful and reasonable commands  
resulting in my inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates lawful and reasonable school regulations.

I request that he/she be made to appear before the court to determine  
if he/she is in need of services and for appropriate orders regarding his/  
her care.

I am  his/her parent and have authority of him/her.

his/her legal guardian and have custody of him/her.

a police officer of \_\_\_\_\_.

a supervisor of attendance of the town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

Clerk \_\_\_\_\_

\_\_\_\_\_  
(Signature of Petitioner)

SUMMONS  
to Child

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

SUMMONS  
to Parent or Legal Guardian

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

RIGHTS OF THE CHILD

At the hearing on the petition, the child has the following rights:

1. The child has a right to legal counsel at all stages of the proceedings. If the child cannot afford counsel, the court will appoint counsel. The court may, in its discretion, assess against the parent or guardian the cost of counsel.
2. If the child is of the opinion that all or any of the allegations contained in the petition are not true, the child may deny them and will be heard.
3. The child has the privilege against self-incrimination and, has the right to remain silent and to require the petitioner to prove any and all allegations.
4. The child has the right to be confronted by the person making any allegations and to cross-examine that person and any other persons called to testify.
5. The child may produce witnesses on his behalf.
6. The child may, for cause, request a continuance of the hearing.

ANY QUESTION RELATING TO RIGHTS MAY BE ASKED OF THE COURT AT THE TIME OF THE HEARING.

PLEASE, BE PROMPT, AND DO NOT FAIL TO ATTEND. THE HEARING WILL PROCEED IN YOUR ABSENCE.



Date: \_\_\_\_\_

PETITION  
In the Matter of

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

I, \_\_\_\_\_, of \_\_\_\_\_ complain that

\_\_\_\_\_ is a child in need of service because he/she  
 persistently runs away from my home, resulting in my inability to  
adequately care for and protect him/her.

persistently refuses to obey my lawful and reasonable commands  
resulting in my inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates lawful and reasonable school regulations.

I request that he/she be made to appear before the court to determine  
if he/she is in need of services and for appropriate orders regarding his/  
her care.

am  his/her parent and have authority of him/her.

his/her legal guardian and have custody of him/her.

a police officer of \_\_\_\_\_.

a supervisor of attendance of the town of \_\_\_\_\_.

Subscribed and sworn to before me this day:

Clerk \_\_\_\_\_

\_\_\_\_\_  
(Signature of Petitioner)

SUMMONS  
to Child

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

SUMMONS  
to Parent or Legal Guardian

Date: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_

You are required to appear at a hearing before this court to answer  
the above petition on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

The Court is located at \_\_\_\_\_.

When you arrive, report to \_\_\_\_\_.

WITNESS, Justice \_\_\_\_\_  
Clerk \_\_\_\_\_

PLEASE SEE THE REVERSE SIDE FOR YOUR RIGHTS IN THESE PROCEEDINGS.  
FAILURE TO APPEAR MAY RESULT IN ARREST.

RETURN OF SERVICE

On \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., I served a copy of this

summons with petition attached to \_\_\_\_\_

by delivering it personally to the person addressed.

by leaving it with a person of proper age at the residence/business of the person addressed.

(Constable's name,  
address and  
jurisdiction)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETURN OF SERVICE

On \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., I served a copy of this

summons with petition attached to \_\_\_\_\_

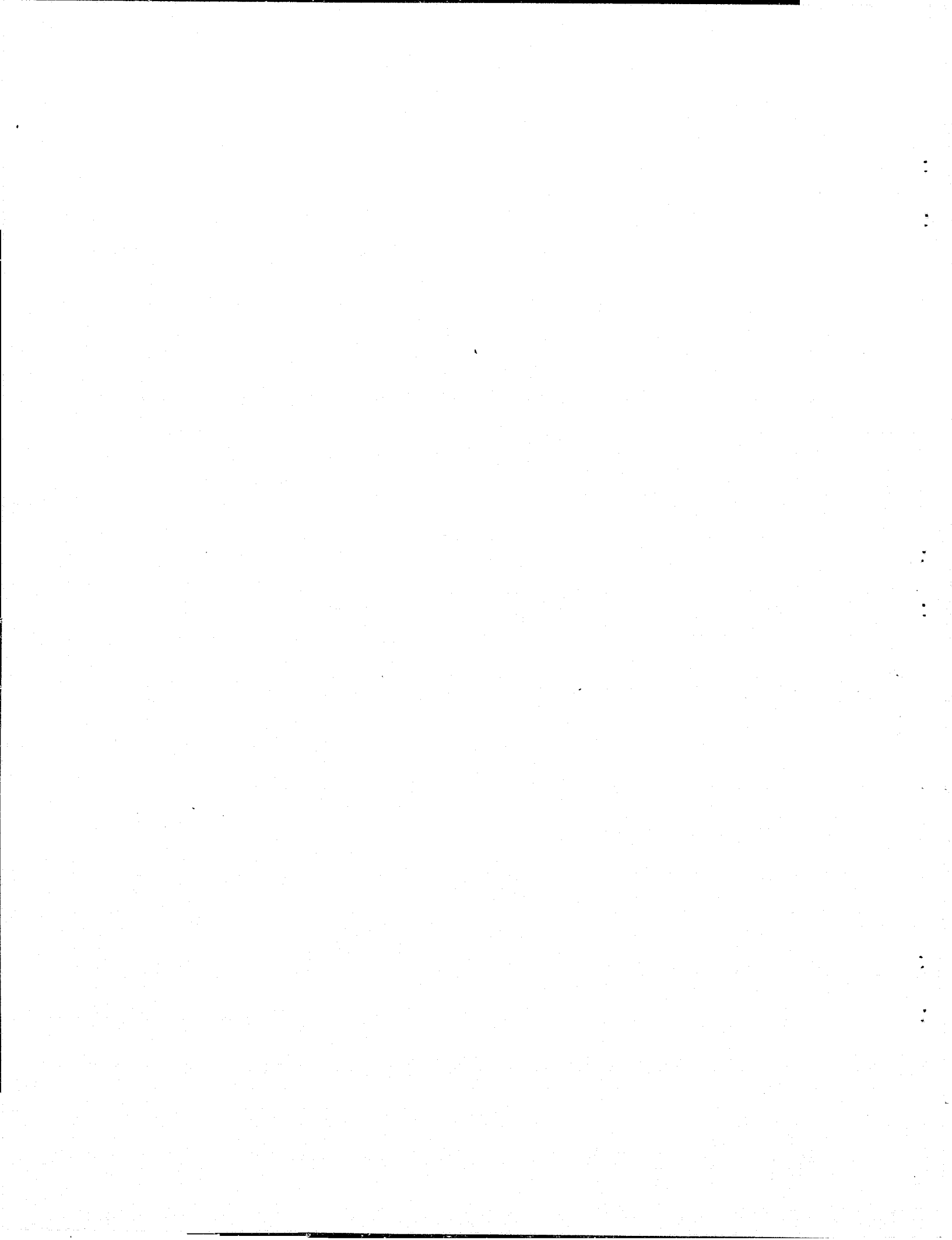
by delivering it personally to the person addressed.

by leaving it with a person of proper age at the residence/business of the person addressed.

(Constable's name,  
address and  
jurisdiction)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Arrest Warrant



COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

ARREST WARRANT

To any person authorized to serve criminal process in any county  
of the Commonwealth:

You are commanded in the name of the Commonwealth to forth-  
with take and bring before this court the person of

\_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address)  
\_\_\_\_\_

to answer to a petition of \_\_\_\_\_  
(name of petitioner)  
that \_\_\_\_\_ be adjudged a child in need  
(name of child)  
of services for the reason that he/she

- persistently runs away from the home of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.
- persistently refuses to obey the lawful and reasonable commands of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.
- persistently and wilfully fails to attend school.
- persistently violates lawful and reasonable school regulations.

MAKE RETURN OF SERVICE ON THE REVERSE SIDE.

WITNESS, Justice \_\_\_\_\_  
(name of Presiding Justice)

Clerk \_\_\_\_\_

RETURN OF SERVICE

By virtue of this warrant I have arrested

\_\_\_\_\_ and have brought  
(name of arrestee)

him/her before the court.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(jurisdiction)

Date:

\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

" ARREST WARRANT

To any person authorized to serve criminal process in any county  
of the Commonwealth:

You are commanded in the name of the Commonwealth to forth-  
with take and bring before this court the person of

\_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address)  
\_\_\_\_\_

to answer to a petition of \_\_\_\_\_  
(name of petitioner)  
that \_\_\_\_\_ be adjudged a child in need  
(name of child)  
of services for the reason that he/she

- persistently runs away from the home of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.
- persistently refuses to obey the lawful and reasonable commands of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.
- persistently and wilfully fails to attend school.
- persistently violates lawful and reasonable school regulations.

MAKE RETURN OF SERVICE ON THE REVERSE SIDE.

WITNESS, Justice \_\_\_\_\_  
(name of Presiding  
Justice)

Clerk \_\_\_\_\_

Mittimus for Failure of Child to Appear



COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

: MITTIMUS  
FOR FAILURE OF A CHILD TO APPEAR

To any person authorized to serve criminal process in any county of  
the Commonwealth, and to the Department of Youth Services:

The above named child, is before the court on a petition  
alleging that he/she

persistently runs away from the home of his/her parents  
or legal guardian resulting in their inability to adequately care  
for and protect him/her.

persistently refuses to obey the lawful and reasonable  
commands of his/her parents or legal guardian, thereby resulting  
in their inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates lawful and reasonable school regulations.

The proceedings were adjourned until \_\_\_\_\_ at  
\_\_\_\_\_ (a.m.) (p.m.); \_\_\_\_\_ (date)  
(time)

The child was ordered by the court to recognize with sufficient  
surety in the sum of \$ \_\_\_\_\_ for his/her appearance before  
the court at the above time. The child has not appeared;

It is hereby ORDERED that:

The person authorized to serve criminal process in any county of  
the Commonwealth is to forthwith convey the child to the Department  
of Youth Services, with an attested copy of this mittimus.

MAKE RETURN OF SERVICE ON THE REVERSE SIDE.

The Department of Youth Services is to receive the child who is  
placed in your custody and safely keep the child until the child  
shall comply with the order of recognizance or otherwise be dis-  
charged in due course of law.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

MITTIMUS  
FOR FAILURE OF A CHILD TO APPEAR

To any person authorized to serve criminal process in any county of  
the Commonwealth, and to the Department of Youth Services:

The above named child, is before the court on a petition  
alleging that he/she

persistently runs away from the home of his/her parents  
or legal guardian resulting in their inability to adequately care  
for and protect him/her.

persistently refuses to obey the lawful and reasonable  
commands of his/her parents or legal guardian, thereby resulting  
in their inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates lawful and reasonable school regulations.

The proceedings were adjourned until \_\_\_\_\_ at  
\_\_\_\_\_ (a.m.) (p.m.); \_\_\_\_\_ (date)  
(time)

The child was ordered by the court to recognize with sufficient  
surety in the sum of \$ \_\_\_\_\_ for his/her appearance before  
the court at the above time. The child has not appeared;

It is hereby ORDERED that:

The person authorized to serve criminal process in any county of  
the Commonwealth is to forthwith convey the child to the Department  
of Youth Services, with an attested copy of this mittimus.

MAKE RETURN OF SERVICE ON THE REVERSE SIDE.

The Department of Youth Services is to receive the child who is  
placed in your custody and safely keep the child until the child  
shall comply with the order of recognizance or otherwise be dis-  
charged in due course of law.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

RETURN OF SERVICE

By virtue of this mittimus I have conveyed and delivered

\_\_\_\_\_ to  
(name of child)

\_\_\_\_\_, with an attested  
(place to which conveyed)  
copy of this mittimus.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(jurisdiction)

Date: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

MITTIMUS  
FOR FAILURE OF A CHILD TO APPEAR

To any person authorized to serve criminal process in any county of  
the Commonwealth, and to the Department of Youth Services:

The above named child, is before the court on a petition  
alleging that he/she

persistently runs away from the home of his/her parents  
or legal guardian resulting in their inability to adequately care  
for and protect him/her.

persistently refuses to obey the lawful and reasonable  
commands of his/her parents or legal guardian, thereby resulting  
in their inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates lawful and reasonable school regulations.

The proceedings were adjourned until \_\_\_\_\_ at  
\_\_\_\_\_ (a.m.) (p.m.); \_\_\_\_\_ (date)  
(time)

The child was ordered by the court to recognize with sufficient  
surety in the sum of \$ \_\_\_\_\_ for his/her appearance before  
the court at the above time. The child has not appeared;

It is hereby ORDERED that:

The person authorized to serve criminal process in any county of  
the Commonwealth is to forthwith convey the child to the Department  
of Youth Services, with an attested copy of this mittimus.

MAKE RETURN OF SERVICE ON THE REVERSE SIDE.

The Department of Youth Services is to receive the child who is  
placed in your custody and safely keep the child until the child  
shall comply with the order of recognizance or otherwise be dis-  
charged in due course of law.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

"  
Mittimus for Commitment of Child

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

In the Matter Of

Date: \_\_\_\_\_

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Address  
of Child)

MITTIMUS FOR COMMITMENT OF A CHILD

To any person authorized to serve criminal process in any county of the Commonwealth, and to the Department of Public Welfare:

The above named child has been judged to be in need of services because he/she

persistently runs away from the home of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.

persistently refuses to obey the lawful and reasonable commands of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates the lawful and reasonable regulations of the school.

It is hereby ordered that:

The child is committed to the custody of the Department of Public Welfare, Division of Family and Children Services, for six months, but in no event beyond the [sixteenth] [eighteenth] birthday of the child.

The person authorized to serve criminal process in any county of the Commonwealth forthwith convey said child to the Department of Public Welfare, Division of Family and Children Services, with an attested copy of this mittimus and make return on the reverse side.

The Department of Public Welfare receive the child and keep the child as stated above.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

In the Matter Of

Date: \_\_\_\_\_

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name and Address  
of Child)

MITTIMUS FOR COMMITMENT OF A CHILD

To any person authorized to serve criminal process in any county of the Commonwealth, and to the Department of Public Welfare:

The above named child has been judged to be in need of services because he/she

persistently runs away from the home of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.

persistently refuses to obey the lawful and reasonable commands of his/her parents or legal guardian resulting in their inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates the lawful and reasonable regulations of the school.

It is hereby ordered that:

The child is committed to the custody of the Department of Public Welfare, Division of Family and Children Services, for six months, but in no event beyond the [sixteenth] [eighteenth] birthday of the child.

The person authorized to serve criminal process in any county of the Commonwealth forthwith convey said child to the Department of Public Welfare, Division of Family and Children Services, with an attested copy of this mittimus and make return on the reverse side.

The Department of Public Welfare receive the child and keep the child as stated above.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

RETURN OF SERVICE

By virtue of this mittimus I have conveyed and delivered  
the within named \_\_\_\_\_ to  
(name of child)  
\_\_\_\_\_, with an attested  
(place to which conveyed)  
copy of this mittimus.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(jurisdiction)

Date: \_\_\_\_\_



COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

In the Matter Of

Date: \_\_\_\_\_

No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

MITTIMUS FOR COMMITMENT OF A CHILD

To any person authorized to serve criminal process in any county  
of the Commonwealth, and to the Department of Public Welfare:

The above named child has been judged to be in need of  
services because he/she

persistently runs away from the home of his/her parents  
or legal guardian resulting in their inability to adequately  
care for and protect him/her.

persistently refuses to obey the lawful and reasonable  
commands of his/her parents or legal guardian resulting in their  
inability to adequately care for and protect him/her.

persistently and willfully fails to attend school.

persistently violates the lawful and reasonable regula-  
tions of the school.

It is hereby ordered that:

The child is committed to the custody of the Department  
of Public Welfare, Division of Family and Children Services,  
for six months, but in no event beyond the [sixteenth]  
[eighteenth] birthday of the child.

The person authorized to serve criminal process in any  
county of the Commonwealth forthwith convey said child to the  
Department of Public Welfare, Division of Family and Children  
Services, with an attested copy of this mittimus and make  
return on the reverse side.

The Department of Public Welfare receive the child and  
keep the child as stated above.

WITNESS, Justice \_\_\_\_\_

Clerk \_\_\_\_\_

"  
Notice of Appeal

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

NOTICE OF APPEAL

(Child in Need of Services, G.L. c. 119, ss. 39E-39I)

The above named child, appeals the decision that he/  
she is a child in need of services, and elects that the  
appeal be heard

by a jury of six.

by a jury of twelve.

\_\_\_\_\_  
(signature of child or attorney)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(address)  
\_\_\_\_\_

File Copy

COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURTS OF MASSACHUSETTS

Date: \_\_\_\_\_ In the Matter of No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address  
of Child)

NOTICE OF APPEAL

(Child in Need of Services, G.L. c. 119, ss. 39E-39I)

The above named child, appeals the decision that he/  
she is a child in need of services, and elects that the  
appeal be heard

by a jury of six.

by a jury of twelve.

\_\_\_\_\_  
(signature of child or attorney)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(address)  
\_\_\_\_\_

APPENDICES

- A. Rule 3:20      Form, Style and Size of Papers Filed in  
all courts.
  
- B. Explanation of Forms, Numbering Code.
  
- C. Guidelines for Forms Design

Rule 3:20  
Form, Style, and Size of Papers  
Filed in all Courts.

(Applicable to all cases and to all courts. See S.J.C.  
Rules 1:01, 2:02, 3:07(7), each as amended.)

(1) Except as provided in this rule, papers (except exhibits) and processes filed with or by the clerk of the court in any court in the Commonwealth, or before a justice thereof, in any action, suit, or proceeding therein, including executions, with their returns, shall be so far as reasonably practicable, approximately (but not larger than) eight and one-half inches by eleven in size, of standard quality of paper with adequate margins, and, except writs and other processes, approved Probate Court printed forms, and printed briefs, shall be printed or typewritten upon one side only. Appearances, claims for jury, and military affidavits, may be upon paper approximately three and three-eighths inches by eight and one-half inches. It is desirable that blanks be filled in in typewriting and that all papers shall bear the full name of the plaintiff and the defendant first named in the proceeding, the nature of the paper, and the name (written in capital letters or typed legibly, in addition to any signature required), address, and telephone number of the attorney filing the same. The court number of the case shall appear on each paper filed after the assignment of such a member.

(1A) With the exceptions appearing in paragraphs (1) and (2) of this rule and, with the exception of the Probate Courts, all papers and processes in cases commenced after January 1, 1975, filed with or by the clerk of the court in any court in the Commonwealth shall not be folded. Backers are not required and should not be used. Any court by rule or order may provide for the flat filing of papers at an earlier date than January 1, 1975.

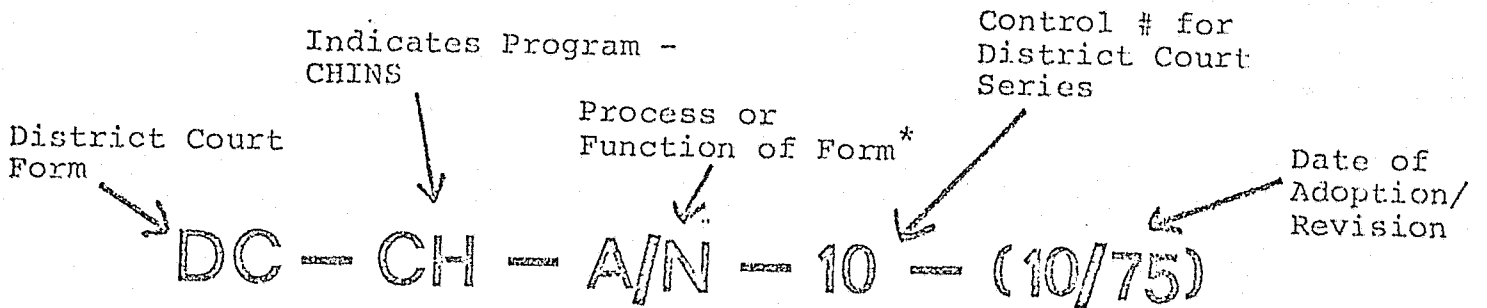
(2) The District Courts and the Municipal Court of the City of Boston by rule may exempt from the operation of this rule papers filed in small claims proceedings and in criminal cases. The District Courts and the Juvenile Courts by rule may exempt from the operation of this rule papers filed in juvenile cases. In all courts there may be exempted by rule or order (a) papers filed by parties appearing *pro se* and (b) until July 1, 1974, or until the present supply is exhausted (whichever first occurs), papers filed on approved printed forms.

(3) Any court by rule or order may provide for the effective enforcement of this rule.

Added, effective November 1, 1971. Amended Oct. 23, 1973,  
Nov. 13, 1973.

APPENDIX B

Explanation of Forms Numbering Code



\* Symbol

- A/N Application for Petition and Notice
- P/S Petition and Summonses
- W Arrest Warrant
- M/A Mittimus for Failure of Child to Appear
- M Mittimus for Commitment of Child
- AP Notice of Appeal

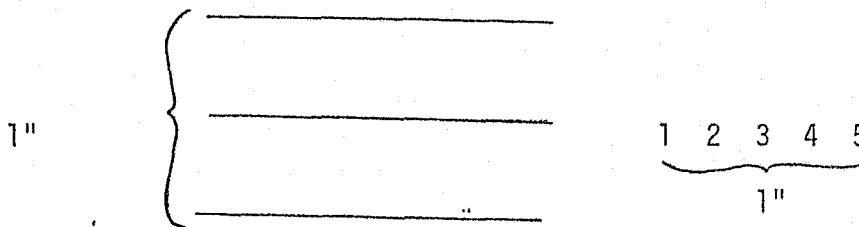
## APPENDIX C

### Guidelines for Forms Design

1. Forms Title - (a) Give every form designed a name. (b) The name should explain briefly what the form is used for. (c) The title should be at the top of the page. Since people read from left to right, the title should appear on the left hand side or in the middle of the page.
2. Form Number - (a) Number all forms temporary or permanent. (b) The name of the court or department using the form should be incorporated in the number, e.g., DC-CH-A/N-10 (10/75) (see Appendix B for explanation of form number). (c) The numbering system should not start with 1. This number is so like the letter L on the typewriter that it could be confusing. (d) Revisions to the same form could contain an alpha suffix, i.e., DC-CH-A/N-10-A. Further revisions could be controlled by further use of the alpha characters. (e) The numbering of forms should be placed in the same place on each form. (f) It is also advisable to date new forms which have been revised for identification purposes.



3. Spacing - (a) Keep in mind when designing the form what mechanism will be used to fill in the information captured by the form, i.e., typewriter, hand-writing or computer. (b) To accommodate the entry of information regardless of entry devices, all-purpose spacing can be used. All-purpose spacing is three lines to an inch on all horizontal lines, and five digits to the inch on all vertical lines.



The above-mentioned spacing technique is a guide, and should be adjusted to meet user needs.

4. Information Classification and Grouping - (a) Make a list of the data to be captured and classify into categories. For example, case name, case number, party name and address could be one group. Another group might be plaintiff name and address, witnesses, etc. Place these elements in an orderly pattern. (b) Data which is related should be grouped together on the form. This technique makes the form logical and clear.
5. Captions and Lines - (a) Captions should always be as unobtrusive as possible. The person who reads the form seldom reads the captions. The data captured should stand out on the form. The best captions are light and small. (b) Lines should be used to guide the eye. People who read the form look at what is printed and should not be distracted

by the heavy inked line unless their placement is intended for a necessary emphasis.

6. Position of Captions - Captions are used to explain what information is required when filling out the form. There are many ways to arrange the captions:

- a) Above:                      Name                      Date  
\_\_\_\_\_
- b) Below:                      Name                      Date  
\_\_\_\_\_
- c) In Front Of:    Name \_\_\_\_\_    Date \_\_\_\_\_
- d) In Back Of:    \_\_\_\_\_ Name    \_\_\_\_\_ Date

The form being designed determines the best method.

Another method to caption information is the box.

Name	Date
Street Address	
City	State

The method above, known as the Box Design, makes it easier for the person reading the form to zero in on the information.

7. Make the form self explanatory. Avoid, if possible, the need to write an instructional procedure for filling out forms. If instructions are necessary, consider expanding the captions, i.e., if you wish to have the individuals filling out a particular form write their last name first, etc., you could make the caption read:

Name (Last, First, Initial)

instead of:

Name

For an exposition of principles of forms design see: How to Design, Produce and Use Business Forms, North American Publishing Company, Philadelphia, 1971, by the editors of "Business Forms Reporter."

**END**