

Divorce in Middlesex County

In Middlesex County, individual judges interpret the law and handle certain procedures a little differently than judges in other counties and even differently than other judges in the area. If you have a Middlesex County Family Court matter, your case will be assigned to a judge. You may be able to determine your judge by examining the docket number for your case. The last two digits (15D00XXDR) represented by the XX, from the four digit series in the middle of your docket number will usually govern which judge will hear your matter. Based on your docket number, your judge may be:

- Hon. William F. McSweeney, III – 00–06, 59–61
- Hon. Spencer M. Kagan – 07–13, 62–67
- Hon. Edward F. Donnelly, Jr. – 14–20, 68–72,
- Hon. Dorothy M. Gibson – 21–27, 73–77
- Hon. Jeffrey Abber – 28–34, 78–82
- Hon. Patricia A. Gorman – 35–41, 83–87
- Hon. Maureen H. Monks – 42–48, 88–93
- Hon. Kevin R. Connolly – 49–55, 94–99

Your case may be heard at one of four courthouses, based on each judge's schedule:

- 208 Cambridge Street, Cambridge
- 121 Third Street, Cambridge
- 45 Williams Street, Marlborough (For Scheduling Convenience Only)
- 360 Gorham Street, Lowell (For Scheduling Convenience Only)

The Divorce Process: What to Expect

It is always a good idea at the outset to, with your attorney's help, start exploring the possibility of settlement with a mediator or some other neutral party. If the parties can agree on the terms of the divorce, a joint petition can be filed which can cut a lot of the expense and headaches associated with the divorce process.

If you and your soon-to-be ex-spouse cannot resolve the issues, the divorce will go into litigation. This means that a request for divorce (the complaint) is filed in a Massachusetts court by the spouse requesting the divorce (the plaintiff). After filing, the papers are then served with a summons upon the other spouse (the defendant) by a sheriff, constable, or other licensed process server.

In Massachusetts, the complaint can be filed in whichever county either of the parties live. When a party lives out of state, most states provide that they cannot file for a divorce there until they have established residency. This usually means they have to have lived there for at least one year.

The defendant must answer the complaint in writing within 20 days. Once the suit is filed and an answer is received, the case enters the pretrial period, which may last several months. It is important to know that the parties may agree upon mutual

settlement at any time during this period. If a settlement can be reached, the case will not need to go to trial. This can save time and money, but will require compromise.

During the pretrial or discovery period, each side prepares its arguments and collects all pertinent facts and documents. Each spouse also has the right to review the other spouse's information. Discovery may include interrogatories (questions which the other side must answer in writing under oath), depositions (oral questioning outside the courtroom), and requests for documents such as financial records and statement.

You can expect to hear from your lawyer if she requires documentation from you, or if there is a scheduled court date. Parties to a divorce are required to attend all court hearings with their legal counsel so make sure you are able to clear your calendar when the time comes.

Motions

The attorneys for both parties may present requests (motions) to the judge, who may or may not grant them. For example, they may request temporary orders to be put in place prior to a final resolution of your divorce or custody matter, or ask for certain information to be provided by the other spouse.

Trials

Majority of cases are settled out of court. If this is not achieved, a trial will take place before a judge (without a jury). Each party, with or without the assistance of attorneys, presents his or her case and the evidence to support it.

The evidence may include extensive documentation and testimony by witnesses. After hearing all evidence, the judge will study the case and issue a decision. The trial process is lengthy and it can take several months for a judge to issue his or her final decision.