

**Committee for Public Counsel Services
Children and Family Law Division**

75 Federal Street, 6th Floor, Boston, MA 02110
(617) 482-6212

REQUEST TO FILE AN APPEARANCE IN A COURT IN A COLLATERAL MATTER
(AND HAVE CPCS PAY FOR IT)

Please complete this form if you are seeking authorization for CPCS payment for collateral representation (*i.e.*, filing an appearance in a court other than the one in which you were appointed) and email it to CAFLattorney@publiccounsel.net.

Please note you do not need permission to defend or prosecute a guardianship petition in probate and family court if you were appointed in an open care and protection or CRA case.

Your Name: _____ Phone: _____

Email address: _____

1. Client name(s): _____

Please check the appropriate box:

PARENT **CHILD(REN) AGE(S)** _____ **GUARDIAN**

2. Court and docket number(s) of CAFL appointed matter: _____

3. NAC number: _____

4. Name(s) of other appointed counsel (private and staff) and name of party(ies) they represent:

Parent: _____ Attorney: _____

Child & Age: _____ Attorney: _____

_____ Attorney: _____

_____ Attorney: _____

Guardian: _____ Attorney: _____

Other: _____ Attorney: _____

5. Please describe the type of proceeding (*i.e.*, divorce, paternity), its litigation status (pending, to be filed), including the court where the matter will be heard and the next court date:

6. Please explain how the collateral matter will resolve the case in which you were appointed. (For example: “Once father obtains custody of his son pursuant to a modification of his divorce decree in probate and family court, DCF will agree to dismiss the care and protection proceeding in juvenile court;” “The juvenile court will not order guardianship to grandmother unless the probate and family court first vacates a prior guardianship order for Aunt Susan;” “DCF will not allow visits unless the district court restraining order is modified.”). If more information is necessary, feel free to provide it.

7. Have you asked each counsel (or unrepresented party) in the underlying case and the collateral case whether the collateral matter will be contested?
- No Yes
8. Do you expect the collateral matter to be contested?
- No Yes, by whom? _____

PARAMETERS

Your assignment as counsel in the care and protection or CRA action will cover your representation of the client through the initial judgment in the collateral action and may include representation on custody, visitation and related matters. To the extent that issues involving child support arise incidentally to these custody and visitation determinations, they can be included in this coverage if counsel so chooses. Additional CPCS approval is required for any representation of the client in the prosecution or defense of any future motions or complaints to modify the initial judgment.

This authorization is premised on the fact that there is an open, pending care and protection or CRA action regarding the subject child(ren). In the event that the care and protection or CRA action is dismissed and the matter becomes a private dispute between the child(ren)’s parents or other adults, any authorization to represent your client in the collateral action terminates. See G.L. c. 119, § 29.

You must give other counsel (or unrepresented party) in the underlying case notice of any action/motion you file in the collateral proceeding.

PERMISSION: **GRANTED** **DENIED**

By: _____
CAFL Staff Attorney