

**Probate and Family Court
Standing Order 1 – 20
Court Operations Under the Exigent Circumstances Created by COVID-19**

Due to the extreme risk of person to person transmission caused by the 2019 novel Coronavirus “COVID-19”, which has been declared a pandemic by the World Health Organization and which has occasioned the declaration of a State of Emergency in the Commonwealth of Massachusetts, Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19, and a National Emergency by the President of the United States, I hereby invoke the authority granted to me by G. L. c. 211B, § 10 to promulgate this Standing Order.

To maintain consistency among the Divisions of the Probate and Family Court, this Standing Order shall supersede any administrative or scheduling protocols previously instituted by any Division of the Probate and Family Court in response to the COVID-19 virus.

It is hereby ORDERED, that the Probate and Family Court shall remain open during regular business hours subject to the following temporary, emergency conditions, effective March 18, 2020:

A. Telephonic/Videoconference/“Virtual” Hearings

Whenever practical and possible, the Court shall conduct hearings by telephone or videoconference rather than having people appear in person or rescheduling event dates.

B. Restraining Orders Pursuant to G. L. c. 209A/Orders to Vacate Pursuant to G. L. c. 208, § 34B

All restraining order requests and requests for orders to vacate and their review dates shall be heard in the normal course.

C. Specific Case Types and Events

1. a. Motions, case management conferences, and status conferences that are already scheduled between March 18, 2020 and May 1, 2020 will be heard by telephone or videoconference.
 - b. Cases scheduled for pretrial conferences between March 18, 2020 and May 1, 2020 shall be reviewed by the Judicial Case Manager or Assistant Judicial Case Manager in that division. In consultation with the judge assigned to the particular case, a determination shall be made as to whether the pretrial conference should be heard in the manner described in Section A.
 - c. Trials already in progress will proceed. Trials that have yet begun will be continued beyond May 1, 2020.
 - d. Complaints for modification seeking an increase or reduction in child support and/or alimony will be continued beyond May 1, 2020. A party may, for good cause shown, seek to bring the matter forward earlier upon a demonstration of exigent circumstances. The request may be decided on the pleadings.
2. Department of Revenue Block Days will be limited to 30 cases per day, and shall be presented on a staggered schedule.
 3. Adoption hearings shall be held as scheduled unless the petitioner(s) requests that the hearing be rescheduled. If heard between March 18, 2020 and May 1, 2020, the

adoptive parent(s) shall limit the number of attendees to four, not including the child(ren) and the adoptive parent(s).

4. Treatment plan orders that expire between March 18, 2020 and May 1, 2020 will be administratively extended for 60 days from the expiration date.
5. Temporary orders of appointment in guardianship and conservator cases that expire between March 18, 2020 and May 1, 2020 will be administratively extended for 60 days from the expiration date unless contested.
6. Sua sponte custody orders to the Department of Children and Families pursuant to G. L. c. 119, § 23 (a) (3) that expire between March 18, 2020 and May 1, 2020 will be administratively extended for 45 days from the expiration date. A party may, for good cause shown, seek to bring the matter forward earlier upon a demonstration of exigent circumstances. The request may be decided on the pleadings. All permanency planning conferences scheduled between March 18, 2020 and May 1, 2020 will be continued beyond May 1, 2020.

D. New Filings

Parties should be encouraged to file new, non-emergency matters by mail or by e-filing where available. Filings will be docketed, but no event shall be scheduled before May 1, 2020.

E. Emergency Scheduling

Emergency situations not addressed below or in Section B above will be considered on a case-by-case basis. If a person arrives at the Registry with a matter they deem an emergency, that matter shall be brought to a Judicial Case Manager, an Assistant Judicial Case Manager, Assistant Register or Magistrate to determine whether there is an actual emergency or whether the person can be helped in another way.

The below actions/case types have been identified as emergency matters and may be filed and shall be heard, unless the Court requires notice.

1. Petitions/motions seeking a Do Not Resuscitate/Do Not Intubate/Comfort Measures Only (DNR/DNI/CMO) order, authorization for medical treatment order, or order for antipsychotic medication;
2. Petitions seeking appointment of a temporary guardian or conservator;
3. Petitions pursuant to G. L. c. 19A, § 7 and G. L. c. 19C, § 20 – protective services;
4. Health Care Proxy actions;
5. Petitions/ Motions for Appointment of Special Personal Representative;
6. Petitions for marriage without delay;
7. Complaints for Dependency (SIJS) if the child will turn 21 prior to May 1, 2020;
8. All requests for a civil temporary restraining order; and
9. Motions for temporary orders relative to custody and/or support where exigent circumstances have been demonstrated.

F. Programs

1. All Parent Education courses that have already begun shall be suspended until after May 1, 2020, and be rescheduled. No new Parent Education courses shall begin until after May 1, 2020.

2. Lawyer of the Day programs will not be held until after May 1, 2020. However, if they choose, attorneys may assist litigants in courthouse by answering questions and/or reviewing pleadings during this time.
3. Any person who was been ordered to perform community service shall not have to perform such community service until after May 1, 2020.

G. Amendment and Extension of Standing Order 1-20

The Probate and Family Court will amend, allow to expire, or extend this Standing Order no later than May 1, 2020.

Dated: March 14, 2020

/s/ John D. Casey
John D. Casey
Chief Justice
Probate and Family Court