

SJC RULE 1:07 (1) REPORT

COURT: Probate and Family Court Department				
FISCAL YEAR: 2015				
	Type of Appointment	Method of Appointment	Qualifications	Method of Application
1.	<p>Counsel in Mental Health Cases A Substituted Judgment and <i>Rogers</i> cases G.L. c. 190B, § 5-306A(a)</p> <p>Counsel for incapacitated person or person to be protected, if above age of minority G.L. c. 190B, § 5-106(a), § 5-309(g)</p> <p>Counsel for principal in health care proxy proceedings G.L. c. 201D, § 6, § 17</p> <p>Counsel for elderly person in protective services action G.L. c. 19A, § 20</p> <p>Counsel for disabled person in protective services action G.L. c. 19C, § 7</p>	By Judge from C.P.C.S. list	Certification by C.P.C.S	<p>Apply to:</p> <p>C.P.C.S. 44 Bromfield Street Boston, MA 02108 (617) 482-6212</p>

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2.	Counsel for ward, minor incapacitated person or minor person to be protected G.L. c. 190B, § 5-106(a) Counsel for child or parent in contested, private adoption G.L. c. 210, § 6 cases, <i>Adoption of Meaghan</i> , 461 Mass. 1006 (2012)	B By Judge from C.P.C.S. list	Certification by C.P.C.S	Apply to: C.P.C.S. 44 Bromfield Street Boston, MA 02108 (617) 482-6212
3.	Counsel for child or parent G.L. c. 119, § 23(a)(1), § 23(a)(3) G.L. c. 119, § 29, § 29B G.L. c. 210, § 3 <i>Dept. of Public Welfare v. J.K.B.</i> , 379 Mass. 1 (1979) <i>Balboni v. Balboni</i> , 39 Mass. App. Ct. 210 (1995)	C By Judge from C.P.C.S. list	Certification by C.P.C.S	Apply to: C.P.C.S. 44 Bromfield Street Boston, MA 02108 (617) 482-6212

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4.	<p>Guardian <i>ad litem</i> or next friend D For minor, protected person, incapacitated person or person not ascertained or not in being, in a formal proceeding involving trusts or estates of decedents, minors, protected persons, or incapacitated persons, and in judicially supervised settlements, G.L. c. 190B, § 1-404(a)</p> <p>Guardian <i>ad litem</i> - Notice For spouse, heir at law or devisee who is an incapacitated or protected person or a minor, in a probate or appointment proceeding, unless the spouse, heir or devisee is under conservatorship or, if not under conservatorship, is under guardianship by someone other than the petitioner or is represented by someone other than the petitioner, G.L. c. 190B, § 1-404(d), G.L. c. 203A, § 3</p> <p>Guardian <i>ad litem</i> - Account, G.L. c. 190B, § 5-418(d)</p> <p>Guardian <i>ad litem</i> - Trust, G.L. c. 203E, § 305</p> <p>Trustee, G.L. c. 203, § 4; G.L. c. 203E, § 414(b), § 704(c)(3), § 704(d)</p> <p>Trustee for animal trust, G.L. c. 203E, § 408(e)</p> <p>Person to enforce animal trust, G.L. c. 203E, § 408(f)</p> <p>Person to enforce non-charitable trust without ascertainable beneficiary, G.L. c. 203E, § 409(2)</p>	By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 3 years of experience practicing probate law in the Probate and Family Court of Massachusetts, of which one year may be serving a term as a law clerk for the Probate and Family Court Department, or - At least 3 years of experience as an Assistant Register/Assistant Judicial Case Manager/Judicial Case Manager or Probate and Family Court Judge - Professional liability insurance with at least \$100,000 coverage - Mandatory CLE as established by the Probate and Family Court on a yearly basis 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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5.	Guardian ad litem Evaluator - custody/parenting time/adoption issue G.L. c. 215, § 56A	E By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - License to practice medicine or psychology or a licensed independent clinical social worker or a licensed marriage and family therapist or a licensed rehabilitation counselor or a licensed mental health counselor, in good standing - No felony conviction - At least 3 years of experience in Massachusetts after licensure conducting clinical evaluations and/or providing therapy with family members involved in or subject to court proceedings which include issues of child custody and parenting time in paternity, guardianship of minor, state intervention, divorce and post-divorce cases - Professional liability insurance with at least \$100,000 coverage - Attendance at two-day mandatory training established by the Probate and Family Court prior to submitting application - Once approved for the list, attendance each year at the mandatory training established by the Probate and Family Court 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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6.	<p>Guardian <i>ad litem</i> F Investigator - domestic relations or custody/parenting time/adoption case, G.L. c. 215, § 56A</p> <p>Guardian <i>ad litem</i> or next friend G.L. c. 190B §§ 1-404, 5-106(b)</p> <hr/> <p>For attorneys only: Guardian for incompetent divorce defendant, G.L. c. 208, § 15</p> <p>Counsel In divorce action to investigate or to investigate and defend, G.L. c. 208, § 16</p> <p>Guardian <i>ad litem</i> To commence contempt action, G.L. c. 215, § 56B</p> <p>Guardian <i>ad litem</i>/next friend To exercise or waive privileges in non-state intervention cases</p>	By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Clinician meeting requirements for category E, or - A licensed certified social worker or a licensed social worker or a licensed marriage and family therapist or a licensed rehabilitation counselor or a licensed mental health counselor, - At least 3 years of experience conducting investigations in care and protection (G.L. c. 119, § 24, <i>et seq.</i>) cases in the Juvenile Court and/or, in the Probate and Family Court, conducting investigations on issues of child custody and parenting time in paternity, guardianship of minor, adoption, state intervention, divorce and post-divorce cases, or - Attorney admitted to the practice of law in Massachusetts, in good standing - At least 3 years of experience practicing domestic relations law in the Probate and Family Court of Massachusetts, including cases involving divorce, paternity, custody, parenting time, child support, alimony and contempt <p>For clinicians and attorneys:</p> <ul style="list-style-type: none"> - No felony conviction - Professional liability insurance with at least \$100,000 coverage - Attendance at two-day mandatory training established by the Probate and Family Court prior to submitting application - Once approved for the list, attendance each year at the mandatory training established by the Probate and Family Court 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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7.	<p>Guardian <i>ad litem</i>/next friend G</p> <p>For actions involving state intervention pursuant to G.L. c. 119, § 29 or G.L. c. 210, § 3</p> <p>To exercise or waive privileges - <i>Adoption of Diane</i>, 400 Mass. 196 (1987); G.L. c. 112, § 135B; G.L. c. 233, § 20B</p> <p>For a minor parent signing an adoption surrender - <i>Adoption of Thomas</i>, 408 Mass. 446 (1990)</p>	By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 3 years of experience practicing in the Probate and Family Court of Massachusetts, including custody cases pursuant to G.L. c. 119, § 23, and adoption consent cases pursuant to G.L. c. 210, § 3(b), and including issues of waiver of privilege - Certification by the Committee for Public Counsel Services to accept appointments as counsel for children and parents in state intervention, custody and adoption consent cases - Familiarity with the provisions of G.L. c. 112, §§ 129A, 135, 135A, 135B and G.L. c. 233, § 20B - Professional liability insurance with at least \$100,000 coverage - 6 hours per year of CLE in this field for the first 5 years - Thereafter, 3 hours of CLE in this field every other year 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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8.	Monitor of treatment process G.L. c. 190B, § 5-306A (b)	H By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 3 years of experience practicing in the Probate and Family Court of Massachusetts, including cases involving guardianship with authority to administer antipsychotic medication - Certification by the Committee for Public Counsel Services to accept appointments as counsel in mental health cases - Professional liability insurance with at least \$100,000 coverage - 6 hours per year of CLE in this field for the first 5 years - Thereafter, 3 hours of CLE in this field every other year 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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9.	<p>Guardian <i>ad litem</i> for elderly or disabled person in protective services action</p> <p>Counsel for non-indigent elderly or disabled person in protective services action</p> <p>For elderly person in protective services action, G.L. c. 19A, § 20</p> <p>For disabled person in protective services action, G.L. c. 19C, § 7</p>	<p>By Judge from Probate and Family Court Department List</p>	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 3 years of experience practicing guardianship/conservatorship law in the Probate and Family Court of Massachusetts, including cases involving protective services for elderly and/or disabled persons - Familiarity with the provisions of G.L. c. 19A and G.L. c. 19C - Professional liability insurance with at least \$100,000 coverage - 6 hours per year of CLE in this field for the first 5 years - Thereafter, 3 hours of CLE in this field every other year 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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10.	Guardian <i>ad litem</i>/next friend J Interest in real property, G.L. c. 190B, § 1-404 Alienation of land, G.L. c. 183, § 50 Partition of land, G.L. c. 241, § 9 Commissioner Partition of land, G.L. c. 241, § 12	By Judge from Probate and Family Court Department List	- Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 5 years of experience practicing probate law in the Probate and Family Court of Massachusetts, and in the real estate field, including at least 3 cases involving the partition of real estate in each of which cases real estate was partitioned or sold after appointment of a commissioner - familiarity with the provisions in G.L. c. 241 - Professional liability insurance with at least \$100,000 coverage - 3 hours per year of CLE in this field	Apply to: Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
11.	Guardian <i>ad litem</i> K To investigate condition of incapacitated person or person to be protected, G.L. c. 190B, § 5-106(b)	By Judge from Probate and Family Court Department List	Any person who is on list A, D, E, F, G, H, I, J or Q	There is no separate application for category K. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category K: A, D, E, F, G, H, I, J or Q.

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12.	Guardian ad litem To investigate condition of ward, G.L. c. 190B § 5-106(b)	L By Judge from Probate and Family Court Department List	Any person who is on list D, E, F or G	There is no separate application for category L. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category L: D, E, F or G.
13.	Guardian ad litem Temporary Guardianship - withholding medical treatment <i>Matter of Spring</i> , 380 Mass. 629 (1980), G.L. c. 190B, §§ 5-306A, 5-308	M By Judge from Probate and Family Court Department List or CPCS List	Any person who is on list A, G, H or I	There is no separate application for category M. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category M: A, G, H or I.
14.	Guardian ad litem Child Performers G.L. c. 231, § 85P½ (d)(4)	N By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 5 years of experience practicing as an attorney drafting and negotiating contracts for performers or entertainers - Familiarity with the provisions in G.L. c. 231, § 85P½ - Professional liability insurance with at least \$100,000 coverage - 3 hours per year of CLE in this field 	Apply to: Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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15.	Physician, Certified Psychiatric Nurse Clinical Specialist or Licensed Psychologist Expert in mental illness, Mass. R. Civ. P. 35, Mass. R. Dom. Rel. P. 35 G.L. c. 190B, § 5-303(e)	O By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Licensed to practice medicine, in good standing - At least 5 years devoting a substantial amount of time to the practice of psychiatry, or - Certification as Psychiatric Nurse Clinical Specialist, in good standing - Practiced as Certified Psychiatric Nurse Clinical Specialist for at least 5 years, or - Licensed to practice psychology, in good standing - Practiced psychology for at least 5 years since being licensed as a psychologist - For physicians, certified psychiatric nurse clinical specialists, licensed psychologists: - Have been qualified in courts of the Commonwealth as an expert in the evaluation and treatment of mentally ill persons in at least 3 different court cases - No felony conviction - Professional liability insurance with at least \$100,000 coverage - 6 hours per year of CLE in this field for the first 5 years - Thereafter, 3 hours of CLE in this field every other year 	Apply to: Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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16.	Guardian of Minor G.L. c. 190B, §§ 5-201, 5-204, 5-207	P By Judge from Probate and Family Court Department List	Any person who is on list D, E, F or G	There is no separate application for category P. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category P: D, E, F or G.
17.	Guardian For an incapacitated person, G.L. c. 190B §§ 5-305, 5-308	Q By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to the practice of law in Massachusetts, in good standing - No felony conviction - At least 3 years of experience practicing law in guardianship cases in the Probate and Family Court of Massachusetts - Have filed an account as guardian which was allowed by the court - Professional liability insurance with at least \$100,000 coverage - 6 hours per year of CLE in this field for the first 5 years - Thereafter, 3 hours of CLE in this field every other year 	Apply to: Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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18.	Conservator R G.L. c. 190B, §§ 5-407, 5-409, 5-412A Receiver for absentee's property G.L. c. 200, § 5	By Judge from Probate and Family Court Department List	Any person who is on list D or Q	There is no separate application for category R. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category R: D or Q.
19.	Master S Mass.R.Civ.P. 53, Mass.R.Dom.Rel.P. 53, G.L. c. 221, § 57	By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Former Massachusetts Probate and Family Court judge with at least 10 years experience, or - Attorney with at least 15 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 7 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand Former judges and attorneys: <ul style="list-style-type: none"> - Admission to practice law in Massachusetts, in good standing - No felony conviction - Professional liability insurance with at least \$100,000 coverage 	Apply to: Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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20.	Special Master To perform specific acts - Mass.R.Civ.P. 70, Mass.R.Dom.Rel.P. 70	T By Judge from Probate and Family Court Department List	Any person on list D, G, J or Q or any attorney on list F	There is no separate application for category T. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category T: D, F, G, J or Q.
21.	Discovery Master Mass.R.Dom.Rel.P. 26(j)	U By Judge from Probate and Family Court Department List	<ul style="list-style-type: none"> - Admission to practice of law in Massachusetts, in good standing - No felony conviction - At least 10 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 5 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand - Have represented a party in at least 5 cases which included contested discovery issues which were submitted to the judge or to a discovery master - Professional liability insurance with at least \$100,000 coverage - 3 hours per year of CLE in this field 	<p>Apply to:</p> <p>Probate and Family Court Administrative Office Attn: Fee Generating Application John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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22.	Counsel W For defendant in criminal contempt action, G.L. c. 211D, § 6(b)(ii)	By County Bar Advocates' List. Refer to C.P.C.S. website at www.publiccounsel.net		Contact office of County Bar Advocates
23.	Counsel X (Military Attorney) for person in armed forces, Servicemembers Civil Relief Act, 50 U.S.C. Apps. § 501, <i>et seq.</i> <i>U.S. v. Henagan</i> , 552 F.Supp 350 (M.D. Alabama N.D. 1982)	By Judge from Probate and Family Court Department List	Any person on list D or G or any attorney on list F or Q	There is no separate application for category X. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category X: D, F, G or Q.
24.	Special Process Server Y G.L. c. 215, § 34A	By Judge	- Current appointment as constable by a city pursuant to G.L. c. 41, § 91, or - Current appointment as constable by selectmen of a town pursuant to G.L. c. 41, § 91A - Professional liability insurance with at least \$100,000 coverage	
25.	Stenographer Z Supplemental Probate and Family Court Rule 18	By Judge	- A Certified Court Reporter certified in any state in the United States, or - A Registered Professional Reporter registered with the National Court Reporters' Association, - Professional liability insurance with at least \$100,000 coverage	

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26.	Visitation Supervisor AA	By Judge	<ul style="list-style-type: none"> - No felony conviction - At least 2 years of experience supervising child/parent visitation - Familiarity with and commitment to comply with Guidelines for Court Practices for Supervised Visitation - Professional liability insurance with at least \$100,000 coverage 	
27.	Transcriber BB	By Judge	<ul style="list-style-type: none"> - A Certified Court Reporter certified in any state in the United States, or - A Registered Professional Reporter registered with the National Court Reporters' Association, - Professional liability insurance with at least \$100,000 coverage 	