

Notice Inviting Comment on Proposed Probate and Family Court Initiatives. Comments due on or before May 31, 2016

The Probate and Family Court invites comment on a set of proposals to provide new mechanisms for a just and speedy resolution of family law cases. These proposals reflect a focus on the mission statement of the Probate and Family Court: *To deliver timely justice to the public by providing equal access to a fair, equitable and efficient forum to resolve family and probate legal matters and to assist and protect all individuals, families and children in an impartial and respectful manner.*

A link to each proposed initiative appears below. Comments should be sent by email to ilene.mitchell@jud.state.ma.us or by regular mail to The Probate and Family Court Litigation Options Working Group, c/o Ilene Mitchell, Probate and Family Court Administrative Office, Adams Courthouse, One Pemberton Square, Boston, MA, 02108, on or before May 31, 2016.

The three proposed Probate and Family Court initiatives are:

- **[Family Centered Case Resolution and Case Management in the Probate and Family Court: Standing Order \[Xa\]-2016:](#)**

This Standing Order will summarize the new “options” being introduced. The options include:

- **Early Case Settlement Process:** An opt-in procedure for parties who elect limited discovery and participation in ADR screening to obtain an early court date for a mandatory settlement conference.
 - **Mandatory referral to ADR screening** in all divorce cases involving disputed parental rights and responsibilities, limited at this time to divisions with on-site screening capacity. Our goal is to expand on-site screening capacity over time to include all divisions.
 - **Requirement for settlement conferences** with assigned judge in all divorce and divorce modification cases involving disputed parental rights and responsibilities. Parental rights and responsibilities, are not in agreement as to the terms of any parenting plan, order for placement of or parenting schedule with a child, the determination of child support as part of a parenting plan or order for placement of or parenting schedule with a child, the division of property, division of debts and liabilities, or a claim by any party for post decree maintenance or spousal support. In other types of cases, either party, once all discovery is complete, may request a settlement conference.
- **[Limited Discovery: Standing Order \[Xb\]-2016:](#)**
 - Creates a process where parties can agree to limit discovery to an exchange of specific documents and information. This “limited” discovery would be in addition to that required under Rule 410.
 - **[Settlement Conference: Standing Order \[Xc\]-2016:](#)**
 - To provide for settlement conferences in family law cases. These conferences will be required prior to pre-trial for all divorce and divorce modification cases involving disputed parental rights and responsibilities, are not in agreement as to the terms of any parenting plan, order for placement of or parenting schedule with a child, the determination of child support as part of a parenting plan or order for placement of or parenting schedule with a child, the division of property, division of debts and liabilities, or a claim by any party for post decree maintenance or spousal support. In other types of cases, either party, once all discovery is complete, may request a settlement conference.