

District Court Standing Order 2-20
Court Operations Under the Exigent Circumstances
Created by COVID-19 (coronavirus)

WHEREAS, the Supreme Judicial Court issued an “Order Limiting In-Person Appearances In State Courthouses to Emergency Matters that Cannot be Resolved Through a Videoconference or Telephonic Hearing” this same day, March 17, 2020, providing that, from March 18, 2020 until at least April 6, 2020, Massachusetts courts will be closed to the public except to conduct emergency hearings that cannot be resolved through a videoconference or telephonic hearing, either because such a hearing is impracticable or because it would be inconsistent with the protection of constitutional rights, and pursuant to my authority under G.L. c. 211, § 10, G.L. c. 218, § 38, and G.L. c. 220, § 5,

It is hereby ORDERED that District Court Standing Order 1-20 issued on Friday, March 13, 2020, is hereby rescinded and superseded by this Standing Order and;

It is further ORDERED that the emergency matters listed in Section I below shall only be conducted by a judge by videoconference or by telephonic conference call without the physical presence of the parties, counsel, or other members of the public so as to avoid person to person contact and possibility for transmission of the virus. Any Court rule, criminal or civil, that impedes a judge’s or court clerk’s ability to utilize available technologies to limit in-person contact is suspended for the duration of this Order. The emergency matters listed in Section II below shall be the only matters in which parties and counsel other than trial court employees shall be permitted in the courthouse.

This Order will remain in effect until a subsequent order issues rescinding this Order.

I. Emergency Matters to be Heard by Videoconference or Telephonic Conference

All matters set out in this section that arise between 8:30 a.m. - 4:30 p.m. are to be heard by the court with jurisdiction over the matter by the judge presiding that day and must be conducted by videoconference or telephonic conference call. Counsel or parties shall participate in such matters by videoconference or telephonic conference call and shall not be present in the courthouse to conduct these matters. After 4:30 p.m., the judicial response system will be activated in the normal course.

Those emergency matters to be heard by videoconference or telephonic conference are:

- emergency abuse prevention orders and initial hearing after notice (G.L. c. 209A)
- emergency harassment prevention orders and initial hearing after notice (G.L. c. 258E)
- emergency extreme risk protection orders and initial hearing after notice (G.L. c. 140, §§ 131R-131Y)
- arraignments of new arrests in which the arrestee is in custody
- warrant removals for persons under arrest
- probation violations where detention is sought for persons arrested on a warrant or for a new crime
- search warrants
- mental health commitment hearings or evaluations pursuant to G.L. c. 123
- mental health orders pursuant to G.L. c. 123, § 18(a)

All such videoconference or telephonic hearings should be held, to the extent practicable, in a courtroom or court location that can be recorded by FTR.

Clerk-Magistrates should docket all cases in MassCourts consistent with normal procedures.

II. Exception to In-Court Access by Non-Trial Court Employee

The below access is subject to compliance with the Standing Order of the Supreme Judicial Court, dated March 13, 2020, entitled “Order Regarding Access to State Courthouses & Court Facilities”.

A. Section 35 Proceedings

In an effort to balance the need for public safety, and concluding that in-person access to the court is necessary to conduct these proceedings, a petition for commitment pursuant to G.L. c. 123, § 35 can be filed in the court in person and the necessary parties to such a proceeding may be admitted to the court. To the extent that videoconferencing is necessary due to the absence of a judge at the courthouse at which the respondent is evaluated by a clinician, it may be so utilized.

B. Fitting of Global Positioning System or SCRAM Device Ordered by a Judge

Where a judge has ordered a criminal defendant’s pretrial release conditioned on monitoring by a global positioning device or SCRAM, consistent with the Massachusetts Probation Service Policy issued March 13, 2020, the defendant and persons necessary to install such a device are permitted to enter the courthouse.

C. Posting Bail

A person seeking to post bail for a defendant who is in custody is permitted to enter the courthouse for that purpose.

III. Additional Orders

A. All emergency protection orders (G.L. c. 209A; c. 258E; c. 140) issued after notice prior to the issuance of this order and that are due to expire on or after March 18, 2020, shall remain in effect until the matter is rescheduled and heard by the court.

B. Any orders issued prior to March 18th with a hearing scheduled during the pendency of this Order are to remain in full force and effect until the matter is rescheduled and heard by the court, unless an order issues by the court terminating the order at an earlier date.

C. Any protection orders (G.L. c. 209A, c. 258E, c. 140) issued at a hearing after notice during the pendency of this Order which was not heard in person

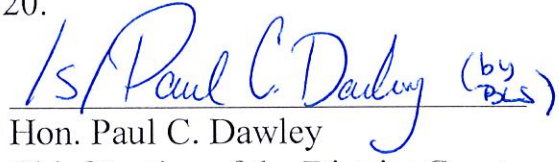
may be issued only until such date at which the court can schedule an in-person hearing.

- D. All cases scheduled for a court event between March 18, 2020 and May 1, 2020 shall be CONTINUED to a date no earlier than May 4, 2020 and no less than 60 days from the date of the scheduled event or to a date by agreement of the parties and the respective clerk's office. Counsel or parties should contact the Clerk's Office by telephone to schedule an event that has been continued as a result of this Order. Any new matters should be scheduled for a date after May 4, 2020.
- E. Persons who have been assessed fees, fines, or court costs, including probation supervision fees, in a criminal matter that are due between March 18, 2020 and May 1, 2020 may pay their fee or fine online through the e-pay portal that is accessible at www.masscourts.org. No fees, fines, or costs shall be collected at a courthouse while this Order is in effect. If a person is unable to pay such fee or fine through the e-pay portal, the requirement that such fee or fine be paid during that time frame is deferred until May 4, 2020 and Courts shall extend payment due dates to May 31, 2020. The deferment of such payment shall not operate to extend a person's probation.
- F. In order to provide staffing for these procedures, Regional Administrative Justices, First Justices, Clerk-Magistrates, and Chief Probation Officers are to designate a rotating skeleton schedule of the necessary personnel needed on site to accomplish the administrative tasks and to be available to answer telephone calls from the public.
- G. Where a trial or an evidentiary hearing is postponed as a result of this Order, the parties may seek a conference with the court to address matters arising from the postponement, which shall be conducted by telephone or videoconference.
- H. Upon a showing of exceptional circumstances, a party whose trial or evidentiary hearing is postponed by this Order may seek an exception from this Order by motion directed to the Trial Court. No exception shall be granted except with approval of the judge and the Chief Justice of the District Court. Where a party seeks a jury trial, no exception shall be granted without consultation of the jury commissioner.

- I. This Order does not affect any court's consideration of matters that can be resolved without in-person proceedings through communication by telephone, videoconferencing, email, or other comparable means.

Any other deviation from this Order must be sought from the Chief Justice of the District Court.

This Order shall take effect on March 18, 2020.


Hon. Paul C. Dawley
Chief Justice of the District Court
Promulgated: March 17th, 2020