

**District Court Standing Order 5-20**  
**Court Operations Under the Exigent Circumstances**  
**Created by COVID-19 (coronavirus)**

In light of public health concerns regarding the COVID-19 (coronavirus) pandemic, I hereby ORDER, pursuant to my authority as set forth in G.L. c. 211B, § 10, G.L. c. 218, §§ 38 & 43A, and G.L. c. 220, § 5, that District Court Standing Order 3-20 issued on Monday, April 6, 2020, is hereby rescinded and superseded upon the effective date of this Standing Order.

**I. Emergency and non-emergency matters to be heard virtually**

During normal court hours (Monday-Friday, 8:30 a.m. to 4:30 p.m.), all sixty-two divisions of the District Court shall conduct the following emergency and non-emergency matters as defined in this section within their territorial jurisdiction virtually (i.e., by telephone, videoconference, email, or comparable means, or through the electronic filing system) without the physical presence of the parties, counsel, or other members of the public:

**A. Emergency matters**

- abuse prevention orders pursuant to G.L. c. 209A;
- harassment prevention orders pursuant to G.L. c. 258E;
- extreme risk protection orders pursuant to G.L. c. 140, §§ 131R-131Y;
- issuance of complaints for persons arrested and in custody;
- arraignments of new arrests in which the arrestee is in custody and proceedings pursuant to G.L. c. 276, § 58A;
- emergency motions for review or release of persons in custody, including those subject to District Court Standing Order 4-20;
- emergency motions for funds for social workers and others necessary to put in place release plans for those who are being held pretrial, those who are civilly committed for substance abuse treatment, and those who are serving a committed sentence, as set forth in *Committee for Public Counsel Services v. Chief Justice of the Trial Court (No. 2)*, SJC-12926, \*6 (April 28, 2020);
- warrant removals;
- probation detention hearings and probation violation hearings of persons in custody;
- evaluations and hearings on petitions for commitment pursuant to G.L. c. 123, § 35;
- All mental health matters brought pursuant to G.L. c. 123, excluding subsequent long-term commitment hearings (i.e., requests for 1 year commitments) and hearings that have been continued at the request of one or both of the parties or an interested district attorney to a reasonable date that is outside of the statutory time limits (such excluded hearings may be heard on the rescheduled date pursuant to § I.B. of this Order);
- applications for arrest warrants;
- other matters deemed an emergency by a judge or clerk-magistrate.

B. Non-emergency matters

- upon motion or request, pre-trial criminal matters for persons in custody, including tenders of pleas and admissions;

This Order does not prevent any court's consideration, at the discretion of a judge or clerk-magistrate, of other non-emergency matters that can be resolved virtually by videoconference, telephonic conference call, or other similar means.

C. Hearings to be conducted virtually

Each District Court division shall conduct all of the matters set forth in this section virtually; no in-person matters shall be conducted in any division unless the Regional Administrative Justice determines that virtual resolution of the matter is not practicable or would be inconsistent with the protection of constitutional rights, or is permitted pursuant to § IV.E. of this Order. Only upon a showing of exceptional circumstances may in-person access be allowed upon approval of the Regional Administrative Justice. The doors to the courthouses (or clerk's offices and courtrooms if in a multi-use building) shall not be open to the public and no member of the public, including persons in custody, shall be permitted to enter the District Courts' courthouses unless so ordered by a Regional Administrative Justice under the circumstances outlined in this Order and as set forth in ¶ 5 of Supreme Judicial Court Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic. To the extent that staff in these divisions are able to perform their duties remotely, they should be permitted to do so. Only the minimum amount of courthouse employees and other personnel necessary to conduct the division's emergency business shall be permitted into the courthouse.

In the event that a courthouse of a division must temporarily close as a result of exposure to the COVID-19 pandemic, its emergency business will be conducted by another division as directed by the Chief Justice of the District Court.

**II. Procedure for hearings**

Matters set forth in § I may be initiated by calling the telephone number of the court division with jurisdiction over the matter or Trial Court Help Line at 833-91COURT. Filings may also be made by email to the court division's website address: CM[COURT NAME]DC@jud.state.ma.us. Each District Court division shall prominently post on its main doors the Trial Court Help Line telephone number and that division's telephone number with instructions to call that number to initiate a matter set forth in § I, as well as the division's email address. The Trial Court Help Line telephone number and each District Court division's phone number and email address shall also be posted on <https://www.mass.gov/guides/court-system-response-to-covid-19> with instructions that a person seeking to initiate a matter in § I shall call the court division's telephone number.

The clerk-magistrate or his or her designee shall answer all telephone calls to their division and review emails to the court division's email address and shall review and act on, as

necessary, electronic filings. The clerk-magistrate or their designee shall bring a matter in § I to the attention of a judge and coordinate the review and any hearing of any such matter. Clerk-magistrates or their designee should docket all matters in § I and enter data into the Warrant Management System and should coordinate with a probation officer in order to obtain and provide the transfer of necessary probation information.

All hearings in § I, apart from the exception described above, shall take place virtually by videoconference or telephonic conference call with both the clerk or their designee and the judge on the line. Clerk-magistrates or their designee should encourage parties to fill out court forms that are available on <https://www.mass.gov/orgs/district-court> and may electronically accept filings to the extent feasible. Hearings should be audio recorded if practicable. If a petition, motion, or application is unable to be filed in advance of a hearing or the hearing is unable to be audio recorded, the judge and the clerk-magistrate or their designee shall work together to create a record of the hearing, including recording the matter in MassCourts and filling out necessary forms, so as to memorialize all necessary identifying information, allegations, findings, and rulings. Where feasible, orders should be emailed to the parties; otherwise they shall be mailed to the parties.

Any District Court criminal or civil rule or order that impedes a judge's or clerk-magistrate's ability to utilize available technologies to limit in-person contact is suspended for the duration of this Order.

### **III. After court hours**

After 4:30 p.m., the judicial response system will be activated in the normal course and should be carried out consistent with Trial Court Emergency Order 20-5.

### **IV. Additional Orders**

A. If a hearing on an emergency protection order (G.L. c. 209A; c. 258E; c. 140) was unable to be conducted in-person by the Court as scheduled after March 18, 2020, that Order shall remain in 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). Any order issued at a hearing after notice, whether by telephone or videoconference, can be issued up to the full statutory period (i.e., up to one year for an initial order after notice, and for any period of time, up to a permanent order, for subsequent orders). Upon the resumption of normal court operations, defendants may request an in-person hearing on any active orders that issued without an in-person hearing.

B. All cases scheduled for a court event between March 18, 2020 and May 31, 2020 shall be CONTINUED to a date no earlier than June 1, 2020 and no less than 60 days, or 30 days for a criminal defendant in custody, 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 may 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 June 1, 2020.

C. 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 31, 2020 may pay their fee or fine online through the e-pay portal that is accessible at [www.masscourts.org](http://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 June 1, 2020 and Courts shall extend payment due dates to June 30, 2020. The deferment of such payment shall not operate to extend a person's probation.

D. Persons seeking to post bail should be directed to post bail in accordance with Trial Court Administrative Order 20-6: Temporary alternative procedures for Bail Magistrates and Bail Commissioners setting and taking bail after court hours during the COVID-19 pandemic (<https://www.mass.gov/trial-court-rules/trial-court-emergency-administrative-order-20-6-temporary-alternative-procedures>).

E. Where a judge has ordered a criminal defendant's pretrial release conditioned on monitoring by a global positioning device or SCRAM, consistent with the restrictions mandated by the Supreme Judicial Court's Order concerning the imposition of global positioning system (GPS) monitoring as condition of release or of probation, issued March 23, 2020 (<https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-order-concerning-the-imposition-of-global>), and the Massachusetts Probation Service Policy issued March 13, 2020, the defendant and persons necessary to install, remove, or perform maintenance on such a device are permitted to enter the courthouse.

F. In order to provide staffing for these procedures, Regional Administrative Justices, First Justices, and Clerk-Magistrates are to, respectively, designate a rotating skeleton schedule of the minimum necessary judges and clerk's office staff needed on site to accomplish the administration of court business and to be available to answer telephone calls from the public. Court business that can be accomplished remotely outside of the courthouse shall be so conducted.

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. All jury trials, in both criminal and civil cases, scheduled to commence in Massachusetts state courts between March 13, 2020, and July 1, 2020, are hereby continued to a date no earlier than July 1, 2020. All bench trials, in both criminal and civil cases, scheduled to commence in Massachusetts state courts between March 13, 2020, and June 1, 2020, are hereby continued to a date no earlier than June 1, 2020, unless they may be conducted virtually by agreement of the parties and of the court.

I. A party whose evidentiary hearing is postponed by this Order may seek an exception from this Order by motion directed to the trial judge; no such exception shall be granted except with approval of the trial judge and the Regional Administrative Justice.

**V. Scope of this Order**

This Order will remain in effect until a subsequent order issues rescinding this Order. Any other deviation from this Order must be sought from the Chief Justice of the District Court.

This Order shall take effect on May 4, 2020.

/s/ Paul C. Dawley

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Hon. Paul C. Dawley  
Chief Justice of the District Court  
Promulgated: April 28, 2020