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SJC-13866

IN THE MATTER OF AN IMPOUNDED CASE.

March 19, 2026.

Supreme Judicial Court, Superintendence of inferior courts.
Practice, Civil, Care and protection proceeding.

The petitioner appeals from a judgment of a single justice of this court denying his petition for relief under G. L. c. 211, § 3, relating to a care and protection proceeding in the Juvenile Court. A judge in that court issued a temporary order placing the petitioner's child in the custody of the Department of Children and Families. In his G. L. c. 211, § 3, petition, the petitioner sought immediate review of that order by this court and immediate assembly and transmittal of the record. In addition, the petitioner contended that the Juvenile Court judge must recuse herself. The single justice denied relief on the ground that the petitioner had an adequate alternative remedy available to him in the Appeals Court. We affirm.

The case is before us pursuant to S.J.C. Rule 2:21 (2), as amended, 434 Mass. 1301 (2001), which requires the petitioner to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." The petitioner has not made this showing. The petitioner can raise his claims, including his claim that the judge was obligated to recuse herself, on appeal from a final judgment. See, e.g., Adoption of Norbert, 83 Mass. App. Ct. 542, 545-546 (2013); Parenteau v. Jacobson, 32 Mass. App. Ct. 97, 103-104 (1992). In addition, the petitioner could have sought immediate relief from any interlocutory ruling of the Juvenile Court under G. L. c. 231, § 118, first par. See Care & Protection of Rashida, 488

Mass. 217, 224-236 (2021) (reviewing questions reported by Appeals Court single justice on petition under G. L. c. 231, § 118). See also Saade v. Efron, 493 Mass. 1028, 1029 (2024), quoting Greco v. Plymouth Sav. Bank, 423 Mass. 1019, 1019-1020 (1996) ("Review under G. L. c. 211, § 3, does not lie where review under c. 231, § 118, would suffice"). The fact that the petitioner did not timely file a petition for such relief does not mean that it was an inadequate means of obtaining review. See Tran v. Liberty Mut. Group, Inc., 490 Mass. 1001, 1001 (2022). The single justice neither abused his discretion nor committed any other error of law by denying relief under G. L. c. 211, § 3.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

The petitioner, pro se.