

## **Juvenile Court Standing Order 1-20**

### **Court Operations under the Exigent Circumstances Created by COVID-19 (Coronavirus)**

Due to the extreme risk of person to person transmission caused by the 2019 novel Coronavirus “COVID-19”, which has been declared a pandemic by the World Health Organization, and which has occasioned the declaration of a State of Emergency in the Commonwealth of Massachusetts, Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19, and a National Emergency by the President of the United States;

It is hereby ORDERED, pursuant to my authority as set forth in G.L. c. 211B, § 10, that the Massachusetts Juvenile Court Department remains open to conduct our critical work on behalf of the children and families of the Commonwealth subject to the following temporary, emergency conditions, effective March 18, 2020:

#### ***I. Care & Protection Matters***

##### **A. Custody Hearings**

At a judge’s discretion, custody hearings pursuant to G.L. c. 119 § 51B(c) and (e) may be conducted by videoconference or telephone.

##### **B. Temporary Custody Hearings**

Temporary custody hearings pursuant to G.L. c. 119 § 24 will proceed in the ordinary course of business.

##### **C. Waivers of Appearance**

The appearance for the parties, subject children, attorneys, and employees of the Department of Children & Families, shall be waived wherever practicable. No adverse inference to a party shall be drawn from that individual’s failure to appear in court where that person has been advised to stay at home.

##### **D. Electronic Filing of Reports**

Electronic filing, including but not limited to fax and e-mail, shall be utilized for filing of social worker reports, court investigator reports, and guardian ad litem reports, where available and practicable and in consultation with the clerk-magistrates, so that individuals need not present themselves at court.

##### **E. Identification of Subject Children in Care & Protection Matters**

The identification of the subject child in a care & protection matter pursuant to G.L. c. 119 § 26(a) shall be continued to May 4, 2020 or a date thereafter. In the judge’s discretion, the identification may be conducted by videoconference or telephone at any time.

**F. Additional Hearings & Trials**

Non-evidentiary hearings, including status hearings, pre-trial hearings, and permanency hearings, as well as adjudications and best interests trials shall be continued to May 4, 2020 or a date thereafter unless, at the judge's discretion, it is determined to be an immediate or urgent matter.

**II. Delinquency & Youthful Offender Matters**

**A. Continuance of Cases**

All delinquency and youthful offender matters scheduled for an event between March 18, 2020 and May 1, 2020 for a person who is not in custody shall be continued to May 4, 2020 or a date thereafter. Counsel or parties should contact the clerk's office by telephone to schedule an event that has been continued.

**B. Jury Trials**

Supreme Judicial Court Order Regarding Empanelment of Juries, In re COVID-19 (Coronavirus) Pandemic, OE-144 hereby applies to all juvenile and youthful offender matters in the Juvenile Court Department. As such, all jury trials scheduled to commence in the Juvenile Court between March 13, 2020 and April 17, 202, shall be continued to April 21, 2020, or a date thereafter. In accordance with the Order Regarding Empanelment of Juries, and upon a showing of exceptional circumstances, a juvenile or alleged youthful offender whose trial is postponed by the Order may seek an exception by motion directed to the trial judge, but any such exception shall not be granted except with the approval of the Trial Court Department Chief Justice after consultation with the Jury Commissioner.

The Supreme Judicial Court's Order Regarding Empanelment of Juries does not affect any case in which a jury has already been empaneled, or where a jury has been selected for empanelment; such cases shall proceed through verdict.

**C. Probable Cause or "Show Cause" Hearings**

Show cause hearings scheduled between March 18, 2020 and May 1, 2020 shall be continued to a date set by the Clerk-Magistrate not before May 4, 2020. Show cause hearings on all applications for complaints filed between March 18, 2020 and May 1, 2020 shall be scheduled to take place on a date set by the Clerk-Magistrate after May 4, 2020.

**D. Summons Arraignments**

Summons arraignments on complaints issued between March 18, 2020 and May 1, 2020 shall be continued to May 4, 2020 or a date thereafter.

**E. Custody Matters**

The court shall hear matters where the juvenile is in custody including, but not limited to, new arrests, warrant removals, probation violation hearings, and bail reviews. Upon the agreement of the parties, and within the judge's discretion, the matter may be continued to May 4, 2020 or a date thereafter. Videoconferencing should be used where available and practicable.

**III. Child Requiring Assistance (CRA) Matters**

The court shall hear custodial matters pursuant to G.L. c. 119 §§ 39E, 39G, and 39H at the judge's discretion. All non-custodial hearings shall be continued to May 4, 2020 or a date thereafter. Waiver of appearance of the parties, including subject children, attorneys, and employees of the Department of Children & Families shall be considered wherever practicable.

**IV. Adoption Matters**

All adoption matters shall be continued to the first business day 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 not before May 4, 2020. Adoptions scheduled between March 18, 2020 and May 4, 2020 may be heard during that time at the discretion of the judge and by agreement of the parties. Videoconferencing should be used where available and practicable.

**V. Harassment Prevention Orders c. 258E**

The court shall hear emergency petitions filed under G.L. c. 258E and the subsequent "10 day" hearing. Videoconferencing should be used where available and practicable.

**VI. Commitments under c. 123 § 35**

The court shall hear emergency petitions filed under c. 123 § 35. Videoconferencing should be used where available and practicable.

**VII. Community Events**

Court personnel shall postpone meetings and community events in courthouses until further notice.

**VIII. Fees, Fines, & Court Costs**

Persons who have been assessed fees, fines, or court costs, including probation supervision fees, in a Juvenile Court 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](http://www.masscourts.org). 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.

***IX. Scope of Order***

All Juvenile Courts remain open. The public is encouraged to continue utilizing the Court's services subject to all applicable public health guidelines, including practicing social distancing of 6 feet.

Pursuant to Mass. R. Crim. P. 36, I find that the basis for this Order necessitating these temporary, emergency conditions and continuances outweigh the best interests of the public and the juvenile in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under Mass. R. Crim. P. 36.

To maintain consistency among the Divisions of the Juvenile Court, this Order shall supersede any administrative or scheduling protocols previously instituted by a Division of the Juvenile Court in response to the COVID-19 Virus.

This Order shall be implemented immediately and shall remain in effect until the close of the Court's business on May 4, 2020. The provisions of this Order are subject to amendment and extension.

/s/ Amy L. Nechtem  
Hon. Amy Nechtem  
Chief Justice of the Juvenile Court  
Promulgated: March 13, 2020