

Juvenile Court Department

Standing Order 1-22

Juvenile Court Operations

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 4-21 effective on June 15, 2021, is rescinded and superseded by this Standing Order.

This Standing Order is effective on September 1, 2022 and will remain in effect until a subsequent order issues rescinding this Standing Order.

I. PURPOSE

This Standing Order sets forth how proceedings in the Juvenile Court shall be heard.

The term “hybrid” as appearing in this Standing Order shall refer to conducting the hearing with some parties, counsel and witnesses appearing in-person and others appearing virtually.

The term “in person” as appearing in this Standing Order shall refer to conducting the hearing with all parties, counsel and witnesses present before the judge in a courtroom.

The terms “virtual” or “virtually” as appearing in this Standing Order shall refer to the resolution of a matter through the use of telephone, videoconference, email, electronic filings and/or other comparable means with all parties, counsel and witnesses appearing before the judge through such means.

II. COURT OPERATIONS AND COURTHOUSE ACCESS

All Juvenile Court locations shall be open to the public for all purposes as outlined in the orders of the Supreme Judicial Court, Executive Office of the Trial Court, and this Standing Order and will continue to operate with regard for the health and safety of court users and personnel, in accordance with any orders, protocols and occupancy limits established by the Supreme Judicial Court, Executive Office of the Trial Court, and the provisions of this Standing Order.

III. IN-PERSON HEARINGS

Upon the effective date of this Standing Order, the following hearings shall be held in person.

Except for jury trials, a hearing required to be held in person by this Standing Order may be held virtually in a specific case in the discretion of the presiding judge.

A. Care and Protection Matters

1. Temporary Custody Hearing/72 Hour Hearing (G.L. 119, § 24)
2. Hearing on the Merits/Best Interest/Termination of Parental Rights
3. Do Not Resuscitate/Withdrawing Life-Sustaining Medical Treatment (G.L. c. 119, § 38A)

B. Delinquency/Youthful Offender Proceedings

1. Arraignments
2. Bail Hearings
3. Dangerousness Hearings (G.L. c. 276, § 58A)
4. Motions to Suppress
5. Competency Hearings
6. Tender of Plea/Admissions
7. Bench Trial
8. Jury Trial
9. Probation Detention Hearings/Violation of Probation Hearings

C. Guardianships

1. Hearing on Motion for Temporary Guardian
2. Hearing on the Merits/Hearing Appointing Permanent Guardian
3. Hearing on Motion to Revoke Guardianship or Resignation of Guardian

D. Substance and/or Alcohol Use Disorder Petitions (G.L. c. 123, § 35)

1. All hearings

E. Mental Health Petitions (G.L. c. 123, §§ 7, 8)

1. All hearings

F. Harassment Prevention Orders (G.L. c. 258E)

1. All hearings

IV. VIRTUAL HEARINGS

Upon the effective date of this Standing Order, the following hearings shall be held virtually.

A hearing required to be held virtually by this Standing Order may be held in person in a specific case in the discretion of the presiding judge.

A. Care and Protection Matters

1. Identification of Subject Children in Care and Protection Matters
2. Pre-Trial Conference

3. Status Hearing

B. Child Requiring Assistance (CRA)

1. All hearings for a CRA petition filed by a school department except for any hearing where temporary custody of the child may be granted to the Department of Children and Families
2. Conference

V. IN-PERSON OR VIRTUAL HEARINGS

Upon the effective date of this Standing Order, the following hearings may be heard in person or virtually in a specific case in the discretion of the presiding judge.

A. Care and Protection Proceedings

1. Review and Redetermination Hearings
2. Orders for Anti-Psychotic Medication and Extraordinary Medical Treatment
3. Permanency Hearings

B. Adoptions

1. All hearings

C. Child Requiring Assistance (CRA)

1. Preliminary Hearing for any CRA except those filed by a school department
2. Fact Finding Hearing
3. Disposition Hearing
4. Disposition Review Hearing
5. Any hearing where temporary custody of the child may be granted to the Department of Children and Families

D. Delinquency/Youthful Offender Proceedings

1. Pre-Trial Conference/Compliance and Election
2. Reports/Status Hearings
3. Trial Readiness Conference

VI. EXCEPTIONS

A. Other Case Types/Hearings

Any case type and/or event not specifically named in Sections III, IV, or V of this Standing Order may be heard in a manner as determined by the presiding judge assigned to the case. The presiding judge shall ensure that all parties and attorneys involved in the case are notified of whether the case will be heard in person, virtually or as a hybrid.

B. Hybrid Hearings

Any hearing designated as in person, virtual or both in Sections III, IV or V of this Standing Order may be heard as a hybrid proceeding where one or more of the parties, counsel and witnesses appear virtually for in-person hearings under Sections III or V, or in person for virtual hearings under Sections IV or V.

Jury trials in delinquency and youthful offender proceedings shall not be heard as a hybrid hearing.

The determination to hold a hybrid hearing shall be made by the presiding judge based upon the circumstances of the case, the resources of the court and the availability and needs of the parties, counsel, and witnesses.

VII. OTHER COURT BUSINESS

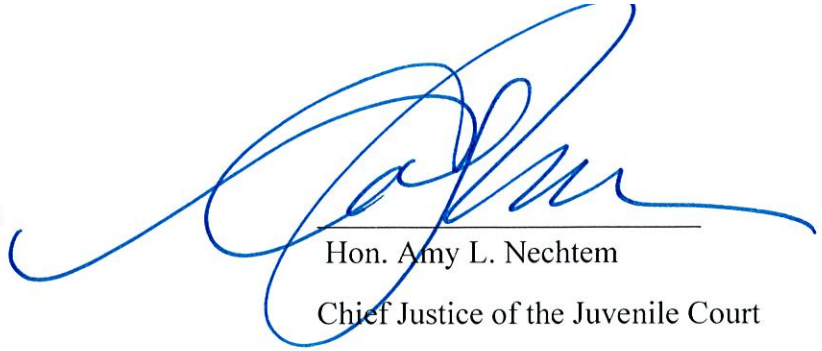
A. Recording and Docketing of Virtual Hearings. All virtual hearings shall be held in a courtroom or other location that can be recorded by FTR. Clerk-Magistrates shall docket all cases in MassCourts consistent with normal procedures.

B. Court Investigators and Guardians Ad Litem. Any court investigator appointed to a care and protection matter shall conduct the investigation as required by G.L. c. 119, §§ 21A, and 24. Court investigators may conduct in-person or virtual interviews, in their discretion, though the recommended best practice is for in-person interviews whenever possible. Court investigators shall email the report to the appropriate court location or file the report in person at the clerk's office.

Any guardian ad litem appointed shall conduct their work as outlined by the scope of their appointment. Guardians ad litem may conduct in-person or virtual interviews, in their discretion, though the recommended best practice is for in-person interviews whenever possible.

C. Filings Accepted by Email. All emailed filings shall be sent 24 hours prior to the next scheduled hearing using the email addresses designated by the Clerk-Magistrate for court divisions that accept court documents, motions, etc., via email to the Office of the Clerk-Magistrate. Any filings emailed less than 24 hours prior to the scheduled hearing shall not be accepted unless the Clerk-Magistrate, in their discretion, determines that the filer has good cause for the late filing.

Effective Date: September 1, 2022



Hon. Amy L. Nechtem
Chief Justice of the Juvenile Court