

Commonwealth of Massachusetts
The Trial Court
Juvenile Court Department

STANDING ORDER 2-18
TIME STANDARDS

The Juvenile Court Department has jurisdiction over a variety of criminal and civil case types including delinquency and youthful offender proceedings, child requiring assistance proceedings (CRA) and care and protection/termination of parental rights proceedings. The vast majority of cases addressed by the Juvenile Court fall within the parameters of these four case types. The Juvenile Court has jurisdiction, by statute, of matters ancillary to these four case types including guardianship petitions, parentage complaints, change of name petitions and adoption petitions.

The work of the Juvenile Court often reflects shifting community expectations and social science theory regarding children. Those shifts in expectations often unpredictably alter Juvenile Court caseloads.

The purpose of the time standards is to provide guidelines for application in the great majority of cases; it being understood that, as a matter of discretion in specific situations, a judge may extend time periods and vary requirements in the interest of justice. The time standards set forth below for the trial, settlement or other disposition of cases are applicable to cases filed in any division of the Juvenile Court Department on or after November 5, 2018. The benchmarks are not part of the time standards but are provided to offer guidance in achieving compliance with the standards.

I. DELINQUENCY AND YOUTHFUL OFFENDER PROCEEDINGS (G.L. c. 119, §§ 52-74, MA Rules of Criminal Procedure)

- A. Filing of complaint or indictment to adjudication/disposition (bench trial): Six months (180 days).

Indictment of a juvenile as a Youthful Offender proceeds only at the option of the District Attorney for whom there are no time requirements for the exercise of that option.

- B. Filing of complaint or indictment to adjudication/disposition (jury trial): Eight months (240 days).

Benchmarks:

1. Arraignment: within fifteen (15) days from the issuance of the complaint, unless the juvenile has been referred to diversion.
2. Pre-trial Conference: within thirty (30) days from the arraignment.

The prosecuting attorney and defense counsel shall confer prior to the scheduled pretrial hearing in order to conference the case and to prepare a written pretrial

conference report. In addition to those matters set forth in the Rules of Criminal Procedure, counsel shall also discuss whether the case can be disposed of by means of a plea and, if so, shall propose a date for a change of plea within the conference report. Special circumstances should be identified, including but not limited to: unavailability of victim or essential witness; information relating to the victim's capacity to testify at trial within the time frame established by the standards; existence of multiple defendants; anticipated delays occasioned by necessary forensic or scientific testing (e.g. DNA testing, drug analysis, etc.); delays due to issues related to the juvenile's competency, or the necessity for extended pretrial hearings such as those relating to the pretrial inspection of third party records or similar proceedings but not including motions to dismiss or motions to suppress statements, evidence, search warrants, or identifications.

II. CHILD REQUIRING ASSISTANCE PROCEEDINGS (G.L. c. 119, §§ 39E-I)

- A. Filing of application to preliminary hearing: Fifteen (15) days.
- B. Acceptance of application to determination/disposition: Six (6) months.

Numerous reasons may delay the final disposition of cases, such as an outstanding warrant, the unavailability or inappropriateness of a home to which the child can return, and frequently, serious mental health issues which defy easy and quick resolution. In addition, the preliminary hearing may result in a referral to informal assistance which is not to exceed ninety (90) days and which may, with the agreement in writing of the parents and child, last an additional ninety (90) days for a total of one hundred and eighty (180) days.

III. CARE AND PROTECTION/TERMINATION OF PARENTAL RIGHTS PROCEEDINGS (G.L. c. 119, §§ 24-29D, G.L. c. 210, § 3 and Juvenile Court Rules on Care and Protection Cases, Standing Order 1-10, Scheduling Care and Protection and Termination of Parental Rights Trials)

- A. Filing of petition to final order of adjudication and permanent disposition: Fifteen (15) months, which may be extended once for a period not to exceed 3 months.

Benchmarks:

1. Temporary custody hearing: within seventy-two (72) hours of *ex parte* transfer of custody except by agreement of parties for good cause shown.
2. Filing of court investigator report: within sixty (60) days after the appointment of the investigator unless the court otherwise orders.
3. Status Hearing: within ninety (90) days after filing of the petition.
4. Pre-trial Conference: no later than thirty (30) days before trial.

5. Permanency hearings for children in the custody of the Department of Children and Families: twelve (12) months from the transfer of custody and annually thereafter.
- B. Trial: Twelve (12) to fifteen (15) months after filing of the petition.
- C. Decision and Written Findings: within ninety (90) days from the close of evidence. *See* Standing Order 1-10, requiring that an adjudication, termination of parental rights or decision not to terminate parental rights shall be made no later than thirty (30) days after the close of evidence.
- D. Permanency Review: Following the entry of an order granting permanent custody of the child to the Department of Children and Families, the court shall hold a permanency review every six (6) months until legal permanency is achieved for the child. Legal permanency is achieved upon the closure of the case to reunification, adoption, guardianship or third party custody.
- E. Legal Permanency: within 24 months after filing of the petition.



Amy L. Nechtem
Chief Justice

Dated: 10/5/18
Effective November 5, 2018