

**Juvenile Court Department**

**Standing Order 4-21**

**Juvenile Court Operations**

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 1-21 issued on January 11, 2021 is rescinded and superseded by this Standing Order.

This Standing Order is effective on June 15, 2021 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 following the termination on June 15, 2021 of the Commonwealth’s State of Emergency as well as the expiration on May 28, 2021 of the Executive Office of the Trial Court’s 90 Day Operations Order all issued in response to the COVID-19 pandemic.

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 heard in person in the Juvenile Court.

**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

**B. Child Requiring Assistance (CRA)**

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

**C. 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

**D. 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

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

1. All hearings

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

1. All hearings

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

1. All hearings

**H. Case Specific Determination Exceptions**

With the exception of jury trials, it shall be in the discretion of the presiding judge to hold any of the above listed hearings virtually based on a determination that the facts and issues involved in the specific case require that the hearing occur in a different manner than as provided for in this section. The determination shall be made with the agreement of all parties in the case.

If the number of persons who appear for in-person events as outlined above exceed courthouse occupancy limits set by the Trial Court, the First Justice may order that matters scheduled to take place in person be conducted virtually so long as consistent with constitutional rights.

Matters that are required to be heard in person pursuant to this section but which, as of the date of the promulgation of this Standing Order, have already been scheduled to be conducted virtually may be conducted virtually.

#### **IV. VIRTUAL HEARINGS**

Upon the effective date of this Standing Order, the following shall be heard virtually in the Juvenile Court.

##### **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

##### **C. Case Specific Determination Exemption**

It shall be in the discretion of the presiding judge to hold any of the above listed hearings in person based on a determination that the facts and issues involved in the specific case require that the hearing occur in a different manner than as provided for in this section.

The determination shall be made with the agreement of all parties in the case.

#### **V. IN-PERSON OR VIRTUAL HEARINGS**

The following may be heard in person or virtually in the Juvenile Court in the discretion of 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.

##### **A. Care and Protection Proceedings**

1. Review and Redetermination Hearings

2. Orders for Anti-Psychotic Medication and Extraordinary Medical Treatment
3. Do Not Resuscitate/Withdrawing Life-Sustaining Medical Treatment (G.L. c. 119, § 38A)
4. Permanency Hearings

**B. Adoptions**

1. All hearings

**C. Child Requiring Assistance (CRA)**

1. Fact Finding Hearing
2. Disposition Hearing
3. Disposition Review Hearing

**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**

It shall be in the discretion of the First Justice for the Juvenile Court division with jurisdiction over the matter to determine the manner in which a case type and/or event not specifically named in Sections III, IV, or V of this Standing Order may be heard in that division. The First Justice shall ensure that all members of the bar, representatives of agencies and any other local stakeholders are made aware of the manner these case types and events will be heard in that division. The First Justice shall also provide notice to the Chief Justice of the Juvenile Court regarding how the matters will be heard in that division.

**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, to the extent practicable, 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.

Date of Issuance: June 9, 2021

/s/ Amy L. Nechem

Effective Date: June 15, 2021

Hon. Amy L. Nechem

Chief Justice of the Juvenile Court