

Juvenile Court Department

Standing Order 1-25

Juvenile Court Operations

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 1-22 effective on, September 1, 2022, is rescinded and superseded by this Standing Order.

This Standing Order is effective on August 4, 2025, 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.

A. Care and Protection Matters

1. Temporary Custody Hearing/72 Hour Hearing (G.L. 119, § 24), unless the parent/guardian/custodian is waiving the hearing

2. Hearing on the Merits/Best Interest/Termination of Parental Rights, unless the parent/guardian/custodian is waiving the hearing

3. Trial Readiness Conference

4. 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 – if testimonial evidence will be presented.
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

G. Child Requiring Assistance Proceedings

1. Preliminary Hearings
2. Any hearing where temporary custody of the child may be transferred to the Department of Children and Families
3. Any hearing where the child is in the custody of the Department of Children and Families and placed outside of the home

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

B. Child Requiring Assistance (CRA)

1. 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. Motion/Status Hearings
2. Pre-Trial Conference Hearings
3. Orders for Anti-Psychotic Medication and Extraordinary Medical Treatment
4. Permanency Hearings

B. Adoptions

1. All hearings

C. Child Requiring Assistance (CRA)

1. Fact Finding Hearing, for any case where the child is not in DCF custody and placed outside the home
2. Disposition Hearing for any case where the child is not in DCF custody and placed outside the home
3. Disposition Review Hearing for any case where the child is not in DCF custody and placed outside the home

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

Except as otherwise prohibited by Juvenile Court Rule, 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 unless otherwise ordered by the presiding judge, 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. Court Investigators shall also ensure a copy of the filed report is provided to all counsel of record and any pro se party, which service may be made electronically.

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 unless otherwise ordered by the presiding judge, 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 filed in accordance with the Juvenile Court Rules on the Care and Protection of Children, but in no event less than 24 hours prior to the next scheduled hearing date. 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: August 4, 2025

Dated: 7/2/25



Hon. Dana M. Gershengorn

Chief Justice of the Juvenile Court

Juvenile Court Standing Order 2-25

Scheduling Care and Protection and Termination of Parental Rights Trials

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 1-10 effective on September 1, 2010, is rescinded and superseded by this Standing Order.

This Standing Order is effective on August 4, 2025, and will remain in effect until a subsequent order issues rescinding this Standing Order.

1. Purpose. The purpose of this Standing Order is to establish procedures and standards and promote uniformity to ensure that care and protection and termination of parental rights trials are completed within a reasonable time after commencement of trial.

2. Applicability. This Standing Order is applicable to all Divisions of the Juvenile Court and to all care and protection and termination of parental rights trials.

3. Definitions. *Commencement of Trial*--the date when testimonial evidence is presented by witnesses called to testify before the court; the date that a document is submitted to the court, accepted and admitted into evidence as an exhibit. *Close of Evidence*--the date when all parties have completed the submission of all evidence.

4. Length of Trial. All care and protection and termination of parental rights trials will conclude no later than thirty (30) calendar days after commencement of trial. Trial dates should be scheduled for consecutive days, whenever possible. Potential exhibits should be "marked for identification" prior to the commencement of trial whenever possible.

5. Cases Under Advisement. An adjudication that a child is, or is not, in need of care and protection, or an order terminating, or a decision not to terminate, parental rights shall be made no later than thirty (30) days after the close of evidence.

6. Emergency Extension for Trial or Cases Under Advisement. In extraordinary circumstances, the justice presiding over the trial may extend the time for trial, or extend the time for adjudication, order or decision, for an additional fifteen (15) calendar days. Notice should be submitted in writing to the Chief Justice of the Juvenile Court, identifying the extraordinary circumstances that necessitated the extension and should be submitted no later than ten (10) calendar days prior to the expiration of the thirty (30) day period, except when the additional time is due to unforeseen circumstances which occur subsequent to the ten (10) calendar day period.

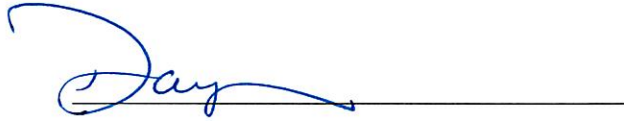
7. Dedicated Trial Sessions. Dedicated trial sessions for care and protection and termination of parental rights cases are encouraged where there are available judicial resources, sufficient attorneys to represent the parties and where multiple demands upon court time do not make such sessions impractical and inefficient.

8. Effective Date. This Standing Order and the procedures and standards contained herein shall apply to all care and protection and termination of parental rights trials commenced on or after August 4, 2025.

Effective Date: August 4, 2025

Dated:

7/2/25



Hon. Dana M. Gershengorn

Chief Justice of the Juvenile Court

Juvenile Court Standing Order 3-25

Time Standards

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 2-18 effective on November 5, 2018, is rescinded and superseded by this Standing Order.

This Standing Order is effective on August 4, 2025, and will remain in effect until a subsequent order issues rescinding this Standing Order.

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 August 4, 2025. 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): Twelve months (365 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): Twelve months (365 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: Three (3) months unless referred to probation for informal assistance.

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:* seven (7) days prior to the pre-trial conference unless the court otherwise orders.
3. *Status Hearing:* within ninety (90) days after filing of the petition.
4. *Pre-trial Conference:* within nine (9) months from the filing of the petition.
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: Decision within thirty (30) days from the close of evidence. See Standing Order 2-25, 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. Written findings within ninety (90) days from the filing of the notice of the appeal.

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, third party custody or certification of a case as DCF Permanent Custody Final.

E. Legal Permanency: within 24 months after filing of the petition.

Effective Date: August 4, 2025



Dated:

7/2/25

Hon. Dana M. Gershegorn
Chief Justice of the Juvenile Court

Juvenile Court Standing Order 4-25

Return of Custody Orders in Care and Protection Proceedings

Pursuant to my authority under G.L. c. 211B, §10, it is hereby ORDERED that Juvenile Court Standing Order 5-21 effective on December 30, 2021, is rescinded and superseded by this Standing Order.

This Standing Order is effective on August 4, 2025, and will remain in effect until a subsequent order issues rescinding this Standing Order.

I. Purpose. The purpose of this standing order is to provide a uniform practice on the issuance and oversight of temporary custody orders granted by the Juvenile Court returning custody of a child to a parent, custodian, or guardian in a care and protection proceeding.

II. Applicability. This standing order is applicable to temporary orders returning custody of a child to a parent, custodian, or guardian in a care and protection proceeding.

Commentary

Temporary custody orders returning custody of a child to a parent, custodian, or guardian may be issued as the result of a hearing held pursuant to [G.L. c. 119, §§ 24 or 25](#). See *Care and Protection of Manuel*, 428 Mass. 527 (1998). The Juvenile Court may also issue a temporary custody order as the result of a hearing on the merits or a review and redetermination hearing pursuant to [G.L. c. 119, § 26](#).

III. Definitions. For this standing order the terms below shall have the following definitions:

“Danger” means imminent threat of serious harm.

“GAL Evaluator” means a category of guardian ad litem (GAL) that the court may appoint, pursuant to the *Juvenile Court Uniform Practice and Procedure Regarding the Appointment of Guardians Ad Litem*, to report on a narrowly defined issue where the judge deems an updated court investigation is not appropriate and where the appointment does not fall into one of the other categories of GAL appointments.

“Hearing on the Merits” means the trial held pursuant to [G.L. c. 119, § 26](#), where the court determines whether the Department of Children and Families (the Department) has met its burden in proving that the child is in need of care and protection. The hearing may result in, but is not limited to, granting temporary or permanent custody to a non-custodial parent, returning temporary custody to a parent, custodian, or guardian, returning permanent custody to a parent, custodian, or guardian, granting permanent custody to the Department or the issuance of a decree terminating parental rights.

“Non-custodial parent” means the biological or legal parent of the child who did not have physical or legal custody of the child prior to the child's removal by the Department.

“Non-party” means a person who is not a party to the care and protection proceeding but may be granted temporary or permanent custody of the child, also known as a “third party custodian.” See Note to Rule 9 of the *Juvenile Court Rules for the Care and Protection of Children*.

“Parent, custodian, or guardian” means the party or parties in the care and protection proceeding who had custody of the child immediately prior to the filing of the care and protection petition.

“Review and redetermination hearing” means the hearing held pursuant to [G.L. c. 119, § 26\(c\)](#) where a party may petition the court not more than once every 6 months for a review and redetermination of the current needs of the child whose case has come before the court, with the exception of a parent whose parental rights have been terminated by the court.

“Risk” means warning sign of a possible danger.

“Safety” means actions of protection taken by a caregiver that address danger to the child and are demonstrated over time.

“72 Hour Hearing” means the hearing held pursuant to [G.L. c. 119, § 24](#) after the court grants temporary custody to the Department following an emergency or ex parte hearing.

IV. Return of Custody Following a Temporary Custody Hearing ([G.L. c. 119, § 24](#), “72 Hour Hearing”)

Any temporary custody order issued at the conclusion of the 72 Hour Hearing that returns custody of the child to the parent, custodian, or guardian shall be in writing with conditions, unless the judge determines that conditions are not necessary in a specific case. The judge shall set forth, in writing, the reasons why conditions are not needed in the case. At all further hearings, the court shall review with the parties the factors set forth in Section V. of this standing order. Probation shall be present at the status hearing unless otherwise directed by the court.

V. Return of Custody Assessment

A. Assessment Factors. The court shall consider the following factors when determining whether to issue a temporary custody order to a parent, custodian, or guardian:

1. Dangers and risks, if any, to the child:

- a. Identification of the original danger(s) that led to the removal of the child; identification of any additional danger(s); existence of any current danger(s).

- b. Identification of any current risk(s).

2. Reasons court is being asked to issue the return of custody order:

- a. The actions or services the parent, custodian, or guardian participated in, completed, or anticipate completing that demonstrate or create safety for the child. This may include a review of the action plan developed by the Department for the parent, custodian, or legal guardian that provides for services tailored to meet the underlying needs of the parent, custodian, or guardian and their compliance with such plan.
 - b. The opportunities the parent, custodian, or guardian has taken to demonstrate that they currently have the skills to address the dangers and risks that led to the child's removal.
3. Assessment of child's educational needs.
 4. Assessment of the child's mental health care and needs, if applicable.
 5. Assessment of child's physical health care and needs, if applicable.
 6. Assessment of the status of child's siblings if not part of the motion requesting return of custody:
 - a. Plan for facilitation of sibling visits, if applicable and appropriate.
 - b. Siblings' current placements if not with the child who is the subject of the motion requesting a return of custody.
 7. Plan for facilitation of non-custodial parent visits if applicable and appropriate.

VI. Issuance of the Return of Custody Order

A. *Return of Custody Order.* All temporary or permanent custody orders returning custody to the parent, custodian, or guardian, shall be in writing.

1. *Temporary Return of Custody Order.* Any temporary custody order issued to a parent, custodian, or guardian shall remain in effect until a date as determined by the judge that is consistent with the needs of the child and family, the circumstances of the case and that is within time standards as set forth in Juvenile Court Standing Order 3-25.

B. *Conditions.* The court shall set conditions in writing addressing the child's care and safety when issuing any temporary custody order pursuant to this standing order, unless the judge determines that conditions are not necessary in a specific case. The judge shall set forth, in writing, the reasons for why conditions are not needed in the case.

The court may consider setting, but is not limited to, the following conditions when applicable:

1. The Department and Probation to have access to the child at home.
2. Parent, custodian, or guardian to cooperate with the reunification portion of the Department's Family Assessment and Action Plan, if applicable.
3. Parent, custodian, or guardian to maintain all of the child's medical, dental, psychological/psychiatric and educational services and appointments. If the child has a physical disability, the parent, custodian, or guardian to maintain all services and accommodations necessary for the child. The Department shall provide the parent, custodian, or guardian the information they need to maintain the child's appointments, services, and accommodations, as well as any other necessary supports.
4. Parent, custodian, or guardian to maintain a safe home environment.
5. Parent, custodian, or guardian to remain drug and alcohol free if there is a substance use issue as determined by the Department.
6. Parent, custodian, or guardian and child to meet with the Department social worker and/or Probation.
7. Parent, custodian, or guardian and child to meet with the GAL Evaluator as ordered if one is appointed by the court.
8. Parent, custodian, or guardian and child to meet with the Court Investigator as ordered if one is appointed by the court.

Commentary

Supervision and visits by probation shall be conducted in accordance with Probation Standards unless otherwise ordered by the court.

C. GAL Evaluator and CASA. Upon the issuance of a temporary custody order to the parent, custodian, or guardian, the court may appoint a GAL Evaluator for the purpose of oversight regarding one or more specific conditions set by the court in the custody order. The GAL Evaluator shall be authorized by the court to contact the child's school, the child's medical providers and any other service providers to request information regarding the child to assist with the oversight of the specific conditions. The GAL Evaluator appointment letter shall outline the GAL Evaluator's authority and scope of appointment.

The court may appoint a court appointed special advocate (CASA) if the program is available in that court division. The CASA shall be authorized by the court to contact the child's school, the child's medical providers and any other service providers to request information regarding the child to assist with the oversight of the specific conditions. The court shall provide the CASA with an appointment letter outlining

the scope of the appointment or may modify an existing appointment letter if the CASA was previously appointed on the case.

Commentary

Though the court may appoint a GAL Evaluator or CASA for the purpose of oversight of one or more conditions, probation is expected to oversee the conditions as required under the Probation Standards or as otherwise ordered by the judge.

D. Notification to the Court Regarding the Condition of the Child. During the pendency of the care and protection matter, if Probation or the Department believes that the child's safety may be in danger or at risk and/or the parent, custodian, or legal guardian is not complying with the conditions of the temporary custody order, Probation or the Department shall file a notice to advance the case before the court with a copy to all parties on the case.

A court investigator, CASA, or GAL who has been appointed to the care and protection matters shall notify Probation in writing if they believe that the child's safety may be in danger or at risk and/or the parent, custodian, or legal guardian is not complying with the conditions of the temporary custody order. The court investigator, CASA or GAL shall detail their concerns in the written notification to Probation. The notification shall be emailed or submitted to the Chief Probation Officer of the appropriate Juvenile Court division. Probation shall then file a notice to advance the case before the court, providing a copy to all parties on the case of the notice which would include the concerns regarding the child.

Upon receipt of the notice to advance, a hearing for all parties may be scheduled at the discretion of the presiding judge. If the judge determines that a hearing shall be held, the clerk's office shall notify the parties of the scheduled date.

This section does not preclude probation from communicating with the Department pursuant to [G.L. c. 119, § 51A](#). The Department retains its authority under [G.L. c. 119, § 51B](#), to take the child into immediate temporary custody if the Department has reasonable cause to believe that removal is necessary to protect the child from abuse or neglect.

Commentary

Though Probation may advance the case on behalf of a court investigator, CASA, or GAL, probation is not responsible for presenting information on their behalf at the hearing if one is held by the court.

VII. Review of Temporary Return of Custody Order

For temporary custody orders, it is recommended that the court review the order as it relates to the child's health, safety, and well-being with the parties at each hearing following the issuance of the order. Part of the review may include one or more of the following depending upon the circumstances of the case: (1) a report from the GAL Evaluator or CASA, if appointed at the time of the issuance of the return of custody order; (2) a report from Probation and the Department regarding any home visits conducted in-person or virtually with the child, if applicable; (3) updated criminal activity record information (CARI), including but not limited to any information regarding [G.L. c. 208](#), [G.L. c. 209A](#) or [G.L. c. 258E](#) orders and [G.L. c. 123, § 35](#) orders, for the parent, custodian, or guardian provided to the court by Probation, if applicable. The court shall order from Probation the CARI of any person living in the home over the age of 14; and/or

(4) a review of any [G.L. c. 119, § 51A](#) reports the Department has received regarding the parent, custodian, or guardian while the return of custody order has been in place regardless of whether the [G.L. c. 119, § 51A](#) reports were screened in or out by the Department.

VIII. Temporary Custody Orders Issued to Non-Parties

All temporary custody orders issued to a non-party in a care and protection case shall be in writing with conditions, unless the judge determines that conditions are not necessary in a specific case. The judge shall set forth, in writing, the reasons for why conditions are not needed. The court shall review the assessment factors outlined in Section V. with the non-party with a focus on the non-party's ability to address the clinical, medical, and educational needs of the child while the child is in their custody as well as review any issues regarding safety, risk, and danger specific to the non-party and their care of the child. In addition, the court shall order from Probation a CARI on all individuals over the age of 14 living in the home. The court shall not issue a temporary custody order to a non-party prior to the completion of a home study conducted by probation or other person, or agency designated by the court, as required by [G.L. c. 119, § 26\(b\)\(2\)\(i\)](#).

Commentary

The court should be mindful and vigilant of the duration for a child awaiting permanency in all cases and in particular when a child remains in the temporary custody of a non-party and shall set dates for trial accordingly.

General Law c. 119, § 26 sets forth the following: “The department shall file a petition or a motion to amend a petition to dispense with parental consent to adoption, custody, guardianship or other disposition of the child if: ... (iii) the child has been in foster care in the custody of the state for 15 of the immediately preceding 22 months. Under this paragraph, a child shall be considered to have entered foster care on the earlier of: (a) the date of the first judicial finding, under [section 24](#) or this section, that the child has been subjected to abuse or neglect; or (b) the date that is 60 days after the date on which the child is removed from the home... The department need not file such a motion or petition to dispense with parental consent to the adoption, custody, guardianship or other disposition of the child if the child is being cared for by a relative or the department has documented in the case plan a compelling reason for determining that such a petition would not be in the best interests of the child or that the family of the child has not been provided, consistent with the time period in the case plan, such services as the department deems necessary... Unless the court enters written findings setting forth specific extraordinary circumstances that require continued intervention by the court, the court shall enter a final order of adjudication and permanent disposition, not later than 15 months after the date the case was first filed in court. The date by which a final order of adjudication and permanent disposition shall be entered may be extended once for a period not to exceed 3 months and only if the court makes a written finding that the parent has made consistent and goal-oriented progress likely to lead to the child's return to the parent's care and custody.”


IX. Placement of Child with Parent, Custodian, or Guardian by the Department. Under [G.L. c. 119, §§ 21, 24 and 26](#), the Department may place a child with the parent, custodian, or guardian from whom the child had been removed while maintaining temporary or permanent custody of the child in anticipation of a return of custody. The Department shall notify the court, all parties and Probation in writing at least 48 hours prior to placing the child with the parent, custodian, or guardian, or, unless emergency circumstances preclude notification, the court and all parties shall be notified on the next business day. The Department shall provide an update to the court and all parties on the child's status and condition as

well as the Department's progress toward a permanent transition for the child at every scheduled hearing or earlier as determined by the judge.

Effective Date: August 4, 2025

Dated:

7/2/25



Hon. Dana M. Gershengorn
Chief Justice of the Juvenile Court