

MEMORANDUM ON MIDDLESEX COUNTY DIVISION

Effective May 4, 2020

Overview:

- Effective May 4, 2020, the Middlesex Probate and Family Court (MPFC) opened in the Lowell Justice Center creating two locations for the operation of the Registry, Probation and Judiciary.
- These locations are identified as Middlesex North (Lowell) and Middlesex South (Cambridge/Woburn proposed move Fall 2020).
- Four (4) of the eight (8) Middlesex Probate and Family Court judges will be assigned to the North and four (4) will remain in the South. (See Attachment A- Judicial Assignments).
- Catchment areas have been created for each location (see Attached B- Catchment Areas). These catchment areas identify the cities and towns which will be used to assign a case to either the North or the South for all hearings until Judgment/Decree.
- Cases will be assigned to the North or the South based on the new divisional rules for judicial assignment. For those cases proceeding under M.G.L. Chapters 207, 208, 209, 209A, 209B, 209C, 209D 210, 215 (6), the court will determine the location for judicial assignment based on the city or town of the plaintiff/petitioner as of the date of filing the complaint/petition. For those cases proceeding under M.G.L. Chapters 190B, 203E and 241, the court will determine the location for judicial assignment based on the city or town of the “subject” of the petition (i.e., the decedent, the minor, the respondent). (See Attached C- Guide to Divisional Rules of Assignment).
- Pleadings may be **filed** in either location; the hearing location and judge assignment will be assigned after initiation.
- There will be one set of docket numbers for each case group (i.e., divorce, equity, probate) shared between the two locations, therefore judges in the North may share the same block of potential numbers with judges in the South.
- Consistent with current policy, judges will be assigned numbers based on the last two digits of the case number (See Attachment A) after location is determined.

- Judges in both the North and the South will continue with their regularly-scheduled monthly session in Marlboro for the remainder of 2020, if not extended further.
- DOR block-time sessions will be held on the 2nd and 4th Tuesdays of the month in the South and on the 1st, 3rd and 5th (if applicable) of the month in the North.
- DDS and Interpreter Sessions will be held in the South.
- Westborough State Hospital cases will be heard by the judges assigned to the North.

New Case Assignments:

- Since February 18, 2020, when there are no other pending matters before the court, a newly-initiated case (complaint or petition) or subsequent action (modification and contempt, e.g.) has been assigned to the appropriate location (North or South).
- Based on the last two digits of the docket number of the case, judge in that location (North or South) has been assigned to the case in accordance with the individual calendar system.
- This will be the location and judge assignment for hearing purposes on this case until brought to judgment, even if the plaintiff's/petitioner's address changes after filing.

Pending Cases:

- Cases currently scheduled for trial or other evidentiary hearing will remain as scheduled/assigned until the issuance of the judgment following that trial/evidentiary hearing, regardless of the divisional split. Any subsequent action filed in that case (e.g., contempt or modification) after that judgment issues, will follow the new divisional jurisdictional rules and individual judicial calendar by docket number.
- Cases that have been heard at a pre-trial conference or which are scheduled for further or final pre-trial conference as of February 18, 2020, absent specific court order, will remain scheduled/assigned to the

previously-assigned judge to that case through the issuance of the judgment following any trial/evidentiary hearing, regardless of the divisional split. Any subsequent action filed in that case (e.g., contempt or modification) after trial and issuance of judgment, will follow the divisional jurisdictional rules for judicial assignment.

- After notice and hearing, any judge may choose to retain jurisdiction on any open complaint, despite these re-assignment rules; a specific order to that effect must be issued by that judge after notice and an opportunity to be heard. Thereafter, hearings on such cases shall take place in the court location to which that judge has been assigned until judgement/decre

Exceptions:

- If a modification or contempt is filed during the pendency of another open matter, the case will stay with the current judge and be scheduled for the hearing on the same day, if possible.
- If the hearing cannot be scheduled on the same date, the Court will schedule future dates on the subsequent matter to be heard simultaneously with the at the first action, if possible.

Miscellaneous:

- No requests by any one party to relocate a case will be entertained.
- If parties to a pending *domestic relations* case are from conflicting catchment areas, assignment will be determined by the city or town of the plaintiff, no exceptions.
- When all parties in a pending matter agree to move a case to the other location for good cause (e.g., because they both now reside in a city or town in the opposite catchment area), they may make that request of their previously-assigned judge, by filing a joint motion.

MIDDLESEX SOUTH

<u>JUDGE</u>	<u>CURRENT DKT #</u>	<u>NEW DOCKET NUMBER</u>	<u>MOTION DAY</u>	<u>PRETRIAL/CONTEMPT DAY</u>	<u>CTRM</u>
Hon. Melanie J. Gargas	09-15, 62-67	00 - 24	Wednesday	Monday	4
Hon. Thomas J. Barbar	35-41, 82-87	25 - 49	Friday	Monday	6
Hon. William F. McSweeney, III	00-08, 56-61	50 - 76	Thursday	Friday	5
Hon. Maureen H. Monks	42-48, 88-91	77 - 99	Wednesday	Thursday	2

DOR SESSIONS: 2ND AND 4TH Tuesdays at Third District; DDS Sessions covered by South judges

MIDDLESEX NORTH

<u>JUDGE</u>	<u>CURRENT DKT #</u>	<u>NEW DOCKET NUMBER</u>	<u>MOTION DAY</u>	<u>PRETRIAL/ CONTEMPT DAY</u>	<u>CTRM</u>
Hon. Jacqueline M. Burchill	16-20, 68-71, 92-94	00 - 24	Until May 1: Monday After May 4: Friday	Wednesday	13
Hon. Terri K. Cafazzo	21-27, 72-76	25 - 49	Until May 1: Monday After May 4: Wednesday	Thursday	11
Hon. Roxann C. Tetreau	49-55, 95-99	50 - 74	Thursday	Tuesday	14
Hon. Jennifer M. Allen	28-34, 77-81	75 - 99	Until May 1: Friday After May 4: Monday	Wednesday	10

DOR SESSIONS: 1st, 3rd, and 5th Tuesdays at Lowell; Westboro Sessions covered by North judges

**MIDDLESEX COUNTY DIVISION
CATCHMENT AREAS**

Attachment B

<u>Middlesex North</u>		<u>Middlesex South</u>	
<u>City/Town</u>		<u>City/Town</u>	
Ashby		Arlington	
Acton		Belmont	
Ashland		Cambridge	
Ayer		Everett	
Bedford		Lexington	
Billerica		Malden	
Boxboro		Medford	
Burlington		Melrose	
Carlisle		Newton	
Chelmsford		Somerville	
Concord		Stoneham	
Dracut		Wakefield	
Dunstable		Waltham	
Framingham		Watertown	
Groton		Weston	
Holliston		Winchester	
Hopkinton		Woburn	
Hudson			
Lincoln			
Littleton			
Lowell			
Marlboro			
Maynard			
Natick			
North Reading			
Pepperrell			
Reading			
Sherborn			
Shirley			
Stow			
Sudbury			
Tewksbury			
Townsend			
Tyngsboro			
Wayland			
Westford			
Wilmington			

**Middlesex Probate and Family Court
Guide to Rules on Divisional Assignment**

<u>City or Town Plaintiff/Petitioner</u>	<u>City or Town of Subject</u>
Complaint for Divorce (1A and 1B)	Estate Cases (Informal and Formal)
Complaint for Separate Support	Voluntary Administration
Complaint for Custody	Public Administration
Registration or Modification of a Foreign Decree	Guardian of Minor
Complaint for Annulment/Affirmation of Marriage	Guardian of an Incapacitated Person
Complaint to Establish Paternity	Conservator
Complaint for Custody/Support/Parenting Time	Conservator for a Single Transaction
Complaint for Contempt	Confirmation of a Health Care Proxy or Other Special Proceeding on HCP
Complaint for Modification	UAGPPJA Registration
Petition for Change of Name	Elder Abuse
Petition for Adoption	General Petitions
39M Petitions (SIJS)	General Trust Petition
Complaints/Petitions in Equity (except Petitions to Partition)	Petitions to Partition (Equity)
209A Abuse Prevention Petition	Testamentary Guardianship (The city of the decedent, or, if admitted, the facility)
Grandparent Visitation	Wills for Safekeeping
Marriage without Delay	
Marriage of a Minor	

Note on Subsequent Actions:

Any subsequent proceedings under “probate practice” (i.e., General Petition to Modify, Contempts, Accounts, Renders, Expansions, Removals, Resignations) will remain with the original divisional assignment. In contrast, any subsequent complaint filed in “domestic relations practice” proceedings, when no other complaint in that case is then pending, will be assigned based on the city/town of the plaintiff/petitioner.

Note on “Out of County” Plaintiffs/Petitioners:

If a plaintiff or petitioner under a domestic relations case resides out of county or out of state, then the city/town of the defendant will determine location. If both parties reside outside of the Commonwealth and/or outside of Middlesex County, then assignment location will be determined by the last complaint in which at least one party resided within the county or as determined by the Register of Probate for the geographical convenience of both parties.