

Open Letter to Parents and Attorneys from Probate and Family Court Chief Justice John D. Casey

May 2021

Greetings,

As we enter what we believe are the final stages of the COVID 19 pandemic, I write to remind parents about the importance of co-parenting and communication. There is no doubt that parents and judges faced many challenges during the pandemic and made difficult decisions. However, there may still be child-related decisions to make as we exit the crisis. Some of the issues and decisions to be made may include whether masks will continue to be worn even if not mandatory, whether overnight summer camp is feasible this summer, whether children should travel out of state for sports, and whether children will be vaccinated. My office has recently provided judges with a summary of the law regarding shared legal custody and how a judge decides which parent makes these decisions if the parents do not agree. When these issues come before the Court, the judges will apply the law as it currently exists and make decisions that are in the best interests of the child(ren).

I again urge attorneys and parents to work together to attempt to resolve these issues outside of the court system. There are many resources available to help educate parents. Medical, educational, and mental health experts are able to offer their expertise and advice to help parents make decisions without court intervention.

Massachusetts also has a wealth of legal and mental health experts working together in alternative dispute resolution models including mediation and arbitration. These alternative dispute resolution models are designed to assist individuals with these difficult decisions. Many of these professionals accept pro bono cases to aid those unable to afford their services. Please take advantage of the expertise that we are fortunate to have in Massachusetts to enable families to make decisions with reduced conflict.

The Probate and Family Court is working hard to get caught up with our caseload and when we do, you will find our courts more accessible, efficient, and effective because of the changes we made in response to the pandemic. I thank you for your patience, cooperation, and resilience during the last 14 months.

John D. Casey
Chief Justice
Massachusetts Probate and Family Court