

Operating Procedure for the Bristol Division of the Probate and Family Court Under Standing Order 2 – 20, as amended July 1, 2020 and Supreme Judicial Court third updated order regarding court operations under the exigent circumstances created by the COVID-19 (coronavirus) pandemic effective July 1, 2020

Court Operations starting on July 13, 2020

A. Access to Courthouses

As outlined in Paragraph 4 of SJC Order OE-144 effective July 1, 2020, starting on July 13, 2020, courthouses will reopen for court staff and persons who are present in courthouses for attending in-person court proceedings as described in Sections E and F below; conducting in-person business with a register's office; meeting with a probation officer or probation staff person; or conducting business at other offices that are open to the public and housed in the courthouse.

1. It is strongly recommended that you utilize the virtual Registry that will soon be available. The Registry website will be updated when that is available.
2. It is strongly recommended that you make an appointment to speak with Registry staff in person. You can set up an appointment by emailing us at bristolprobate@jud.state.ma.us.
3. Records requests from our archive or storage location may still be made. Rather than come to the courthouse in person, we strongly recommend that you email your request to: bristolprobate@jud.state.ma.us. Registry representatives will scan and email the plain copies to you at the email address used to make your initial request. Any fees for copies provided in this manner must be paid by credit card charge to be made by court cashier over the phone.
4. For the actions listed in Section D below, parties may file by email, mail, in person, e-filing where available, or utilizing the MassAccess filing procedure where available. Otherwise, new filings may not be emailed, except as outlined below.

B. Virtual Proceedings

To continue to limit the number of persons entering courthouses, the Probate and Family Court will continue to conduct most business virtually. **The volume and type of cases to be heard virtually will be determined by the Register and First Justice, collectively, and will be scheduled based upon on-site and remote staffing availability and the availability of technological support and training needed to conduct virtual hearings. Because of the unique characteristics of each physical location, some courts will not be able to safely increase staffing levels in the same way as other locations.** To facilitate the business of each division, in the discretion of the First Justice, the individual assignment of cases may be relaxed so that all cases may be heard as scheduled.

Whether it is practicable to address certain case types/events will differ for each division of the Probate and Family Court, and will be based on a variety of considerations. However, the Probate and Family Court is committed to hearing as many case types/events as is possible.

Unless you have been specifically notified by a member of the Judicial Staff to appear in person, all hearings will continue to be heard remotely.

C. New Filings

1. For the actions listed in Section D below, parties may file by email, mail, in-person, e-filing where available, or utilizing the MassAccess filing procedure where available.
2. For all other matters: Parties may file by the above means, except that email may only be used for filing when done so by a Court Service Center staff member or an attorney volunteering through a Lawyer for the Day program on behalf of a self-represented litigant.
3. Drop-box: Every courthouse location will have a drop-box for filings.

There is a Probate and Family Court forms rack available in the Taunton Trial Court lobby. These forms are available before going through security.

D. Occupancy Limits

As outlined in Paragraph 4 of SJC Order OE-144 effective July 1, 2020, entry into a courthouse may be limited to avoid exceeding occupancy limits. In that event, the Probate and Family Court considers the below actions to be emergency proceedings for purposes of entry into a courthouse. This list is not ranked in order of importance.

1. Restraining Orders Pursuant to G. L. c. 209A/Orders to Vacate Pursuant to G. L. c. 208, § 34B, although hearings under G. L. c. 209A are presumptively virtual (See Section G below);
2. Petitions/motions seeking a Do Not Resuscitate/Do Not Intubate/Comfort Measures Only (DNR/DNI/CMO) order, authorization for medical treatment order, or order for antipsychotic medication;
3. Petitions seeking appointment of a temporary guardian or conservator;
4. Petitions pursuant to G. L. c. 19A, § 7 and G. L. c. 19C, § 20 – protective services;
5. Health Care Proxy actions;
6. Petitions/Motions for Appointment of Special Personal Representative;
7. Petitions for marriage without delay;
8. Complaints for Dependency (SIJS) and any related motions;
9. All requests for injunctive relief;
10. Motions for temporary orders where exceptional/exigent circumstances have been demonstrated; and

11. Contempt actions where exceptional/exigent circumstances have been demonstrated.

E. In-Person Matters Starting on July 13, 2020

On July 13, 2020, the Probate and Family Court may begin hearing the below actions in person. All other matters will be heard virtually, unless the First Justice and Register of a division determine that additional actions may be heard in person.

1. Evidentiary hearings; and
2. Trials.

Unless you have been specifically notified by a member of the Judicial Staff to appear in person, please do not appear at the courthouse.

F. In-Person Matters Starting on August 10, 2020

Beginning on August 10, 2020, the Probate and Family Court may hear the actions listed below in person. All other matters will be heard virtually, unless the First Justice and Register of a division determine that additional actions may be heard in person.

1. Evidentiary hearings;
2. Trials;
3. Motions for temporary orders involving custody/parenting time; and
4. Contempt actions.

Unless you have been specifically notified by a member of the Judicial Staff to appear in person, please do not appear at the courthouse.

G. Abuse Prevention Orders

Proceedings pursuant to G. L. c. 209A (abuse prevention orders) shall be conducted virtually unless otherwise ordered by the court. Virtual hearings shall be conducted by videoconference, unless it is not practicable to conduct the hearing by videoconference, in which case the hearing may be conducted by telephone.

An in-person hearing may be permitted by a judge if requested by one or more of the parties, or as ordered by a judge. In determining whether to permit an in-person hearing to occur, the judge should take into consideration all relevant factors, including but not limited to the positions of the parties, case scheduling constraints, building and courtroom occupancy limits, and social distancing accommodations.

H. Protocol in the event of a court closure by the Trial Court

Cases that are already scheduled for hearing shall proceed remotely as scheduled to the extent possible. In the event a matter is rescheduled, parties will be notified.

All new pleadings shall be filed via U.S. mail or through E-filing. Routine/non-emergency filings will be processed when the court re-opens.

The emailed/Efiled pleadings in **emergency** cases will be reviewed by Registry for completeness and then sent to an AJCM and screened for either immediate hearing or hearing with notice.

Telephone inquiries concerning emergencies shall be made to the HELP LINE at mass.gov or 508-977-6040 and messages answered by staff and referred to AJCM who shall then review matter with the assigned Judge if appropriate.

If the assigned Judge deems the matter to be an emergency, all reasonable efforts shall be made to conduct a telephonic/video hearing. Absent exigent circumstances, the hearing shall be recorded. All parties shall be sworn in. CARI's shall be requested of CPO and scanned to hearing judge. At no time shall the private contact information for any Judge, JCM/AJCM or other support staff be disclosed to any litigant, attorney or other individual.

*All staffing models and rotations assume all staff are physically able to work. Changes to staffing and rotations shall be made as needed.

I. Contact Information

Emergency phone number	508-977-6040
Emergency email address	bristolprobate@jud.state.ma.us
Registry phone number	508-977-6040
Chief Probation Officer	Michele Mullin 508-977-4970
Judicial Case Manager	Lesley Goldsmith 508-977-6156
Assistant Judicial Case Manager	Camille Chang, camille.chang@jud.state.ma.us 508-977-4988 (Field,J)
Assistant Judicial Case Manager	Miriam Babin, miriam.babin@jud.state.ma.us 508-999-5249 x224 (McMahon, J.)
Assistant Judicial Case Manager	Tricia Poole, tricia.poole@jud.state.ma.us 508-672-1751x240 (Jacobs,J.)
Assistant Judicial Case Manager	Diane Beaulieu, diane.beaulieu@jud.state.ma.us 508-672-1751x240 (Jacobs,J.)
Assistant Judicial Case Manager	Christopher Carey, christopher.carey@jud.state.ma.us 508-999-5249 x226 (Smola, J.)
Sessions clerk	Irene Jusseaume, irene.jusseaume@jud.state.ma.us 508-977-4995 (Field, J.)
Sessions clerk	Michael Taylor, michael.taylor@jud.state.ma.us 508-999-5249 x224 (McMahon, J.)
Sessions clerk	Debra Kravitz, debra.kravitz@jud.state.ma.us 508-999-5249 x226 (Smola, J.)
Sessions clerk	Sarah Serpa, sarah.serpa@jud.state.ma.us 508-672-1751x240 (Jacobs,J.)

Judicial Secretary	Mary Martel, mary.martel@jud.state.ma.us 508-977-4995 (Field, J)
HAA	Flo Kitchen, floentina.kitchen@jud.state.ma.us 508-999-5249 x226 (Smola, J.)
Operations Supervisor	Linda Andrade, linda.andrade@jud.state.ma.us 508-999-5249 x224 (McMahon,J)
Register of Probate	Thomas Hoye, thomas.hoye@jud.state.ma.us 508-977-6040

J. Additional Information

Due to staffing protocols, the Registries in Fall River and New Bedford will remain closed until August 10, 2020.