

**Operating Procedure for the Dukes 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 Masscourts.org for locating docket numbers, filings, and scheduling of cases.
2. Appointments: It is strongly recommended that you make an appointment to speak with Registry staff in person. You can set up an appointment by calling the Probate and Family Court office at 508-627-4703. Any business that can be conducted over the phone or virtually will be done so.
3. Record Requests: Records requests may still be made. Rather than come to the courthouse in person, we strongly recommend that you email your request to: [dukesprobate@jud.state.ma.us](mailto:dukesprobate@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 check to be mailed in prior to receiving copies.

**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.

All cases will be heard by Zoom. You will receive a Zoom invitation via email to attend said hearing.

**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.

We will use a drop-box as needed and will be made available upon request.

Please call the Probate and Family Court office at 508-627-4703 and we will facilitate getting you the forms you need by email or helping you navigate [www.mass.gov](http://www.mass.gov) to print the forms and instructions.

**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.

**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.

**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**

In the event access to the courthouse is restricted to both the public and employees, email Daphne DeVries, [daphne.devries@jud.state.ma.us](mailto:daphne.devries@jud.state.ma.us). Email will be monitored remotely.

**I. Contact Information**

Emergency phone number	508-627-4703
Emergency email address	<a href="mailto:Daphne.devries@jud.state.ma.us">Daphne.devries@jud.state.ma.us</a>
Registry phone number	508-627-4703
Probation contact	Donna Feinberg, <a href="mailto:donna.rachwal@jud.state.ma.us">donna.rachwal@jud.state.ma.us</a> , 508-375-6734