

Operating Procedure for the ESSEX 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.

While our courthouse doors will be open to the public, we will continue to hold as many virtual hearings as are deemed appropriate by Judges, the Register and Security. To the extent there are in person hearings, they will be by appointment with start and end times scheduled. Please plan to be kept to the time allotted for your hearing. Please do not arrive more than 15 minutes early for your hearing. The courthouse has a social distancing capacity so admittance will be limited. It is **strongly recommended** that you bring your own pen as well as a cell phone (in the event you needed to be contacted remotely).

On Thursday, May 21, 2020 we began serving our customers through a Virtual Registry. Customers can connect and conduct business with Registry Personnel remotely in real time with virtual face-to-face interaction with court staff. The Virtual Registry will operate from 8:00am to 4:30pm Monday through Friday.

It is strongly recommended that you utilize the services of our virtual registry.

Please connect with us at:

<https://www.zoomgov.com/j/1613549831>

Additional information along with the log-in address can be found at:

<https://edit.mass.gov/service-details/essex-probate-and-family-court-virtual-registry>

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.

IT IS IMPORTANT TO HAVE ALL OF YOUR PLEADINGS FILED AT LEAST THREE BUSINESS DAYS IN ADVANCE OF THE HEARING so that the pleadings may be processed in advance and available to the Judge prior to the 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.

The drop-box will be located in the vestibule at the courthouses in Salem and Lawrence.

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.

Adoptions will be scheduled in person if so requested.

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.

Adoptions will be scheduled in person if so requested.

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

Essex Probate and Family Court
Protocol in the event of an Emergency Court Closure

1. Notification to the Public
If either the Salem or the Lawrence courthouse must close but the other courthouse is able to remain open, all efforts will be made to handle all cases from the other courthouse.

In the event one Court is closed, a sign will be posted on the front door of the courthouse indicating the telephone numbers for emergencies and the email for filing as follows:

- a. SALEM 978-740-4143
- b. LAWRENCE 978-686-9692
- c. Email for both courts essexcorrespondences@jud.state.ma.us

The above telephone numbers will be monitored on a regular basis. Court staff will take calls/screen messages and arrange for emergency hearings as needed.

To the extent possible, the main telephone greeting for both Court locations shall be changed to indicate the emergency numbers as well as the email for filing. The courthouse that is open shall handle all cases for the courthouse that is closed by following the procedures set forth below. In the event both Courts are closed, the following procedures shall be followed.

2. Staff

All Essex Probate and Family Court Judges will serve as Emergency Judges on a rotating basis provided they are able to do so and provided a teleconference or videoconference line is available. All AJCMs and/or Session's Clerks shall serve on a rotating basis to assist with the emergency matters. The assignment of judicial staff shall be made by the First Justice and may change day to day. The Registry staff team is scheduled by the Register in teams who are working one week at a time.

3. Abuse Prevention Orders

- a. Between the hours of 4:30PM and 8:00AM

Please contact your local police station and your request will be addressed by the after-hours/on-call judge through the Judicial Response system.

- b. Between the hours of 8:00AM and 4:30PM

If you need an Emergency Restraining Order from the Probate and Family Court between the hours of 8:00AM and 4:30PM, you should call the emergency numbers listed in paragraph 1 above. If you need to leave a message, please speak slowly and clearly and leave a telephone number where you can be reached. Court staff will arrange for your hearing to be held as soon as possible.

4. All other Emergencies

Court staff will take calls for all other emergency matters and will arrange for hearing to be held as soon as possible. Court staff shall request necessary paperwork be forwarded to the email address for the court listed above.

5. Submission of Pleadings/ Initiating a New Case

All pleadings shall be submitted by efile or email to the extent possible.

In exigent circumstances, paperwork may be submitted by text number given to the litigant and mailed thereafter or filled out by Court staff as necessary. Any pleading completed by the Court staff shall indicate that it was read to the litigant and that the litigant assented to having the pleading submitted on the litigant's behalf. If a new case needs to be filed, the Administrative Office of the Probate and Family Court will initiate the case and provide a docket number.

6. CARI record requests

The Chief Probation Officer shall coordinate with one or more Chief Probation Officer(s) from other counties to obtain CARI records as needed for any emergency hearings.

7. Conducting the Hearing

All Essex Probate and Family Court Judges will serve as Emergency Judges on a rotating basis provided they are able to do and provided they have teleconference or videoconference capabilities.

All pleadings, any CARI and the litigant's telephone number shall be forwarded by email to the Judge conducting the hearing.

Court Staff may be conferenced in on the hearing.

All hearings shall be held by telephone or videoconference and recorded. All recordings shall be played into the Court's recording system, For the Record, as soon as possible. Any open and operational Probate and Family Court may assist in recording through FTR, if necessary.

Under no circumstances shall the private contact information of a Judge or Court staff be provided to a litigant or attorney.

The hearing shall proceed in normal fashion and all litigants shall be sworn in at the beginning of the hearing.

8. Issuance of Orders

To the extent possible, all Orders issued shall be prepared and signed by the Emergency Judge with an actual signature or, if not possible, with an electronic or typed signature. The Order shall be emailed by Court Staff to the litigant and docketed.

I. Contact Information

Emergency phone number	SALEM: 978-740-4143 LAWRENCE: 978-686-9692
Emergency email address	essexcorrespondences@jud.state.ma.us
Registry phone number	978-744-1020
Probation contact	Patrice O'Brien 978-744-1020 ext. 6018 patrice.obrien@jud.state.ma.us

TITLE	CONTACT	PHONE & EMAIL	JUDGE
Judicial Case Manager	Michelle Yee	978-744-1020 ext. 6057 michelle.yee@jud.state.ma.us	Judges Ulwick Judge Armstrong
Asst. Judicial Case Manager	Ralph Finck	978-686-9692 ext. 2208 ralph.finck@jud.state.ma.us	Judge Bisenius

Asst. Judicial Case Manager	Maria Dunn	978-744-1020 ext. 6056 maria.dunn@jud.state.ma.us	Judge Black
Asst. Judicial Case Manager	Jeanne Condurelli	978-744-1020 ext. 6054 jeanne.coyne@jud.state.ma.us	Judge Ross
Sessions clerk	Tara Kiley	978-744-1020 ext. 6059 tara.kiley@jud.state.ma.us	Judge Armstrong
Sessions clerk	Zona Sharfman,	978-686-9692 ext. 2201 zona.sharfman@jud.state.ma.us	Judge Bisenius
Sessions clerk	Kristen Davis	978-744-1020 ext. 6058 kristen.davis@jud.state.ma.us	Judge Black
Sessions clerk	Amy Lessard	978-744-1020 ext. 6067 amy.lessard@jud.state.ma.us	Judge Ross
Sessions clerk	Shelby Phillips	978-744-1020 ext. 6060 shelby.phillips@jud.state.ma.us	Judge Ulwick
Judicial Assistant	Carol Blanchette	978-744-1020 ext. 6061 carol.blanchette@jud.state.ma.us	Judge Bisenius Judge Armstrong Judge Ross
Judicial Assistant	Rosanna Espinal	978-744-1020 ext. 6062 rosanna.espinal@jud.state.ma.us	Judge Black Judge Bisenius Judge Ulwick