

Operating Procedure for the Hampden 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. Appointments: If you cannot accomplish your court business with the Registry by telephone, it is strongly recommended that you make an appointment to speak with Registry staff in person. You can set up an appointment by calling (413 748-7758) for an appointment. Please provide your name, email address, telephone number, docket number, if available, the issue you want to meet about, and days and times you are available to come in. We will send you an email with a suggested appointment time. You must confirm your appointment by responding to our email.
2. Records/Copy Requests: 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 call: (413) 748-7758. Please be sure to provide all requested information, including your email address. 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.
3. Virtual Registry: We hope to have a Virtual Registry available for interaction between our court users and Registry staff soon on Zoom. Once this is available, we will provide information about how to access it. You can find information about virtual registries at: <https://www.mass.gov/info-details/remote-court-services>.

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.

Currently, all non-emergency matters, with the exception of the In-Person Matters Starting on July 13, 2020, as described in Paragraph E below, shall be heard by Zoom or telephone conference. It is important that all parties provide their email address whenever communicating with a staff member.

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 hope to have a drop-box available outside the front door of the courthouse soon.

In the meantime, please mail non-emergency pleadings to Hampden Probate and Family Court, 50 State Street, PO Box 559, Springfield, MA 01102.

Once the drop-box is available, we will accept pleadings and payments by check or money order in the drop-box. Please secure your submissions in an envelope or by staple so nothing will be lost. The drop-box will be checked several times a day Monday through Friday, between 8:30 a.m. and 3:45 p.m.

Please submit your pleadings in advance of any court hearings to assure they are received and processed in time.

The Hampden Probate and Family Court will not be responsible for any lost items.

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

1. All new 209A requests shall go to the on-call District Court judge.
2. The Registry of Probate will offer a JRS phone number (857-972-3205) for all emergency calls. The Registry number is on the front door of the courthouse and with the local PD. The number shall be published on www.mass.gov/courts.
3. All paperwork shall be sent to the mailbox: hampdenprobate@jud.state.ma.us This email address shall be available on the Registry call in line, on the front door of the courthouse and with the local PD. The address shall be published on www.mass.gov/courts
4. Each day there shall be one assigned judge and AJCM to handle emergencies. This may change day to day. The assignments shall be made by the First Justice in the division.
5. The on call AJCM shall answer all emergency calls on the emergency number.
6. The AJCM shall screen the emergency and request necessary paperwork to be forwarded to the general email address for the court above. Paperwork may, in exigent circumstances, also be submitted by text and mailed in later or filled out by court staff, if necessary.
7. The AJCM shall request CORI/CARI, if necessary. This request shall be submitted to the closest Probate and Family Court which is open and operational. At this time the request shall go to Hampshire.
8. The paperwork, CARI and the litigant's phone number shall be forwarded to the on-call judge.
9. The on-call judge shall, using the JRS phone, or an anonymous number, shall contact the litigant and record the hearing using a portable recorder, zoom capabilities or their phone, if necessary*. An open and operational Probate and Family Court may assist in recording with FTR, if necessary. Under no circumstances shall the private contact information of a judge or AJCM be provided to a litigant or attorney.
10. All litigants shall be sworn.
11. Any orders issued shall be prepared by the AJCM on call, electronically signed, a typed signature for a judge may suffice, mailed or emailed, and docketed when signed by the issuing judge.
12. The recorded hearing shall be played back to FTR when practicable.

*Google voice also allows a recording feature, if a recorder is not available.

I. Contact Information

Emergency phone number	(413) 735-6043
Emergency email address	hampdenprobate@jud.state.ma.us
Registry phone number	(413) 748-7758
Probation contact	Staff Probation Officer (413) 748-7797
Assistant Judicial Case Manager	Kristina Bordieri, Esq., (413) 748-7786, for Judge Hyland
Assistant Judicial Case Manager	Jocelyn Axelson, Esq., (413) 748-7749, for Judge Wyner
Assistant Judicial Case Manager	Kelly Zawistowski, Esq., (413) 748-7784, Judge Randle
Assistant Judicial Case Manager	Melissa Campana, Esq., (413) 735-6054, for Judge Sandman
Assistant Judicial Case Manager	Any AJCM above for the Courtroom #2 list (formerly Judge Sacks' list)
Sessions clerk	Patricia Silk, (413) 748-7772 for Judge Randle
Sessions clerk	Patricia Guay, (413) 748-7785 for Judge Hyland
Sessions clerk	Carmen Zamorski, (413) 748-7782 for Judge Sacks' list)
Sessions clerk	Mary Sawyer, (413) 748-7781 for Judge Sandman
Judicial Secretary	Chanda Miller, (413) 748-7988

J. Additional Information

All court visitors to the Probate and Family Court must wear a mask at all times.

It is recommended that only the party to the case come to the court and that all friends, family, and children remain home whenever possible, for the safety of everyone.

Litigants are encouraged to accomplish your business as quickly as possible, as the number of people allowed in the building at one time is limited.

Please bring your own pen and hand sanitizer and other materials you may need relative to the case and any other protective equipment you wish to have, such as gloves.