

**Operating Procedure for Middlesex Division of the Probate and Family Court
Under Standing Order 1 – 21, effective July 12, 2021**

A. General information:

Effective July 12, 2021, the Probate and Family Court will be open to conduct all emergency and non-emergency court business in person, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually.

The ability to conduct in-person hearings depends upon successful compliance with all safety protocols established by the Trial Court, including, but not limited to, Trial Court occupancy limits.

Parties may file pleadings by US mail, in person, or by e-filing where available. Email filings will be accepted when done so by a Court Service Center staff member or by an attorney volunteering through a Lawyer for the Day program on behalf of a self-represented litigant or if specifically authorized by the Supreme Judicial Court or the Executive Office of the Trial Court. Other email filings may be allowed at the discretion of each Register of Probate. Drop boxes may be available to file pleadings in some court locations.

The Middlesex Division is operating out of two locations:

Middlesex-South – 10-U Commerce Way, Woburn, MA 01801

Middlesex-North – Lowell Justice Center, 370 Jackson Street, 5th Floor, Lowell, MA 01852

Cases will be initiated and heard (virtually or in-person) in the location as determined by the Catchment Area established for the division of the county and by the judge assigned to the case pursuant to the individual calendar system for each location (See Additional Information Section and attachment for Memorandum on Division of County and Catchment Areas for court house designation based on city/town).

Case initiation and filing of matters and pleadings in Middlesex will be handled as follows:

IN-PERSON:

The Registry is open and fully staffed to file all matters at the counter. However, we do encourage you to use other remote means of submitting cases and documents to the court.

EMAIL:

With the exception of email filings provided for in the standing order, as noted above, the Middlesex Division will no longer accept any further email filings. Filings should be made by e-filing (efilema.com), when available, by mail or in person. All filings, regardless of the method of delivery, will be processed in the order in which they arrive, unless the matter is determined to be an emergency.

Emergency matters should be brought directly to the registry to speak to a clerk who can assist in expediting the case for review.

DROP BOX:

The Middlesex Division will continue using a drop box in each location as long as each provides a measurable benefit to the public and the court. The drop boxes may be used by attorneys and self-represented litigants for any case-related documents.

Woburn: A drop box is located in the vestibule of the main entry prior to the security screening area and documents will be retrieved every 2 hours.

Lowell: A drop box is located in the Registry on the 5th Floor of the Lowell Justice Center at 370 Jackson Street and documents will be retrieved every 2 hours.

Documents received after 3:00 pm may not be reviewed until the following business day.

To check the status of your filing, you may visit www.masscourts.org or visit the attorney portal. If there are any issues with your documents, a member of the registry will reach out to you via the contact information you provide.

MAIL:

Pleadings may be submitted via regular, expedited or express mail to both the North or South locations as designated by city/town. (See Attachment for Catchment Areas).

The mailing addresses are:

Middlesex Probate and Family Court – South
10-U Commerce Way
Woburn, MA 01801

Middlesex Probate and Family Court – North
Lowell Justice Center
370 Jackson Street – 5th Floor
Lowell, MA 01852

E-FILE:

Currently, the Court accepts e-filed 1A Joint Petitions, 1B Divorce Complaints, Petitions for Guardianship of an Incapacitated Person, Voluntary Administration Statements, Informal Probate Petitions and Formal Probate Petitions. You may file documents this way by visiting www.efilema.com.

Currently, new Modification and Contempt Complaints cannot be e-filed, however any other subsequent pleading (even those under a pending modification or contempt) may be e-filed.

PLEASE NOTE FOR ALL FILINGS:

If you are filing a pleading within two weeks prior to any court hearing, you are encouraged to check the status of your filing prior to your hearing day. To check the status of your filing, you may visit www.masscourts.org or visit the attorney portal.

Any questions concerning filing may be made to the Virtual Registry at www.zoomgov.com/my/middlesexprobate or by calling Woburn: 781-865-4000 or Lowell: 978-656-7700.

Electronic signatures will continue to be used, consistent with the current order of the Supreme Judicial Court, unless and until otherwise amended by subsequent orders or rules.

Virtual registries may continue to be used. Virtual registries offer all of the assistance normally available during an in-person visit, including face-to-face contact, the ability to obtain and get assistance with court forms, and access to court documents and docket information. [Information about virtual registries can be found here.](#)

The Middlesex Division will continue to operate a virtual registry. Hours of operation are Monday – Friday from 9:00 am – 1:00 pm (subject to change).

The link to the virtual registry is: www.zoomgov.com/my/middlesexprobate

The Virtual Registry is for general information. Specific case related information (the status of an administrative action, schedule or filing) may be found on the attorney portal or www.masscourts.org. Forms may also be requested via the Virtual Registry or by visiting www.mass.gov/courts and search for the probate and family court.

B. In-Person Proceedings:

As of July 12, 2021, the Probate and Family Court will expand the scheduling of in-person hearings for all matters, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually. In-person hearings will be scheduled for the next available date and will be conducted on a staggered schedule.

The scheduling of initial hearings for new complaints or petitions will be staggered for all sessions. When a new complaint or petition is filed, the initial hearing on that matter will be scheduled into one of two staggered start times, for example, at 8:30 AM or 10:30 AM. Any second continued hearing on that complaint will be scheduled by the courtroom at various staggered start times in order to reduce waiting time for in-person hearings.

Any previously scheduled virtual (Zoom) hearing will still be held virtually after July 12, 2021 unless you have received notice from the court that the hearing location has changed to in-person. Do not come to the courthouse for your hearing if it is scheduled as a virtual hearing by zoom. This will only delay the hearing of your case.

Beginning on January 1, 2022, all proceedings will be scheduled before assigned judges as follows:

JUDGE ALLEN

MONDAY

MOTION DAY

9:00am in-person motions (or related events)

11:00am in-person motions (or related events)

TUESDAY

2:00pm in-person motions (or related events)

PRE TRIAL DAY

8:30am in-person contempts (or related events)

9:00am in-person pre trials

10:00am in-person pre trials

WEDNESDAY

11:00am in-person pre trials

TRIAL DAY

8:30am in-person contempts (or related events)

9:00am In-person trial(s)

THURSDAY

VIRTUAL

9:00am virtual events

10:00am virtual events

11:00am virtual events

Noon virtual events

2:00pm virtual events

FRIDAY

TRIAL DAY

8:30am in-person contempts (or related events)

9:00am In-person trial(s)

JUDGE ANDERSON

MONDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

TUESDAY

MOTION DAY

9:00am in-person motions (or related events)
11:00am in-person motions (or related events)
2:00pm in-person motions (or related events)

WEDNESDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)
9:00am in-person pre trials
10:00am in-person pre trials
11:00am in-person pre trials

THURSDAY

TRIAL DAY

8:30am in-person contempts (or related events)

FRIDAY

VIRTUAL

9:00am In-person trial(s)
9:00am virtual events
10:00am virtual events
11:00am virtual events
Noon virtual events
2:00pm virtual events

JUDGE BARBER

MONDAY

MOTION DAY

9:00am in-person motions (or related events)
11:00am in-person motions (or related events)
2:00pm in-person motions (or related events)

TUESDAY

VIRTUAL

9:00am virtual events
10:00am virtual events
11:00am virtual events
Noon virtual events
2:00pm virtual events

WEDNESDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

THURSDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)
9:00am in-person pre trials
10:00am in-person pre trials
11:00am in-person pre trials

FRIDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

JUDGE CAFAZZO

MONDAY

VIRTUAL

9:00am virtual events
10:00am virtual events
11:00am virtual events
Noon virtual events
2:00pm virtual events

TUESDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

WEDNESDAY

MOTION DAY

9:00am in-person motions (or related events)
11:00am in-person motions (or related events)
2:00pm in-person motions (or related events)

THURSDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)
9:00am in-person pre trials
10:00am in-person pre trials
11:00am in-person pre trials

FRIDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

JUDGE GARGAS

MONDAY

VIRTUAL

9:00am virtual events
10:00am virtual events
11:00am virtual events
Noon virtual events
2:00pm virtual events

TUESDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)
9:00am in-person pre trials
10:00am in-person pre trials
11:00am in-person pre trials

WEDNESDAY

MOTION DAY

9:00am in-person motions (or related events)
11:00am in-person motions (or related events)
2:00pm in-person motions (or related events)

THURSDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

FRIDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

JUDGE McSWEENEY

MONDAY

TRIAL DAY

8:30am in-person contempts (or related events)

9:00am In-person trial(s)

TUESDAY

TRIAL DAY

8:30am in-person contempts (or related events)

9:00am In-person trial(s)

WEDNESDAY

VIRTUAL

9:00am virtual events

10:00am virtual events

11:00am virtual events

Noon virtual events

2:00pm virtual events

THURSDAY

MOTION DAY

9:00am in-person motions (or related events)

11:00am in-person motions (or related events)

2:00pm in-person motions (or related events)

FRIDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)

9:00am in-person pre trials

10:00am in-person pre trials

11:00am in-person pre trials

JUDGE MONKS

MONDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

TUESDAY

MOTION DAY

9:00am in-person motions (or related events)
11:00am in-person motions (or related events)
2:00pm in-person motions (or related events)

WEDNESDAY

PRE TRIAL DAY

8:30am in-person contempts (or related events)
9:00am in-person pre trials
10:00am in-person pre trials
11:00am in-person pre trials

THURSDAY

VIRTUAL

9:00am virtual events
10:00am virtual events
11:00am virtual events
Noon virtual events
2:00pm virtual events

FRIDAY

TRIAL DAY

8:30am in-person contempts (or related events)
9:00am In-person trial(s)

Any questions related to staggered scheduling, should be directed to:

Jason Caton, Judicial Case Manager

Jason.caton@jud.state.ma.us

781-865-4134

If notice has already gone out and a matter is scheduled for a virtual hearing on or after July 12, 2021, the matter will still be held virtually unless the assigned judge determines the matter should be heard in person and the parties are notified of such change.

Where an in-person hearing is scheduled, a party may request that the hearing be conducted virtually, and the judge will rule on the request.

Any party may file a written request that an in-person hearing be conducted virtually. The request must be made sufficiently in advance of the hearing with notice to the opposing party or counsel. The request must include the basis for the request, an email address and a telephone number for all parties. Requests must be filed with the registry and will be forwarded to the judicial lobby for administrative handling.

Alternatively, a judge, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with due process and fundamental fairness. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.

Similar to the above, any party may file a written request to participate in a scheduled hearing by videoconference or telephone. The request must be made sufficiently in advance of the hearing with a copy given to the opposing party or counsel. The request must include the basis for the request, an email address and a telephone number for the requesting party. Requests must be filed with the registry and will be forwarded to the judicial lobby for administrative handling.

C. Virtual Proceedings:

The following matters shall be held virtually and on a staggered schedule:

1. Uncontested adoptions, unless the assigned judge determines that the matter should be heard in person;
2. Uncontested divorces;
3. Rogers reviews;
4. Best efforts § 29B annual reviews – DCF custody;
5. Any action involving child support only, except for contempt actions;
6. Case Management/Status conferences; and
7. Discovery motions.

The scheduling of initial hearings will be staggered for all sessions. Two separate blocks of time exist within each session which are dedicated to initial hearings. When a new complaint or petition is filed, the initial hearing on that matter will be scheduled into one of two staggered start times, for example, at 8:30 AM and at 10:30 AM. Any second continued hearing on that new complaint will be scheduled by the courtroom at various staggered start times in order to reduce waiting time for zoom hearings.

For details regarding the staggered scheduling of virtual matters after January 1, 2022, please refer to section B, above.

Any questions related to staggered scheduling should be directed to:
Jason Caton, Judicial Case Manager
Jason.caton@jud.state.ma.us
781-865-4134

Matters that are generally handled administratively (e.g., marriage without delay; joint modification); uncontested/assented to motions (e.g., appointment of GAL; continue date of hearing; file marriage certificate late); and uncontested/routine allowables in probate actions (e.g., informal petition; transfer of guardianship or conservatorship from another state; accounts; appointment of GAL; license to sell; alternative service; waiver of sureties; motion to file death certificate late) will continue to be handled administratively. If such a matter is not handled administratively, a virtual hearing will be scheduled.

In the absence of exceptional circumstances, as determined by the judge conducting the hearing, no party or attorney for a party may be physically present in the courtroom for a scheduled virtual hearing.

However, in cases with one or more self-represented litigants, judges shall consider the possibility that self-represented litigants may have limited access to the technology needed or limited experience with such technology and either assist the self-represented litigant or offer the option to appear in person.

A judge may also consider matters through an administrative review process and determine motions in accordance with Rule 78.

Assented-to motions for Rule 78 administrative review will be handled administratively.

The Court may issue orders or judgments administratively without a court hearing on certain matters if both parties file a written joint motion and an affidavit signed by both parties waiving an in-person hearing, together with the agreement or proposed order. These submissions will be forwarded to the assigned judge for review. Upon receipt and review, the judge will enter an order/judgment administratively, or contact you to inform you that a hearing is required.

For all unrepresented parties, the Affidavit must state that the party:

1. acknowledges they understand the issues presented;
2. understands and agrees with all terms of the stipulation or agreement;
3. understands that counsel represents the other Party only; understands they are waiving their right to an in-person hearing as to this matter only;
4. if applicable, has submitted an accurate financial statement; and
5. has reviewed the opposing party's financial statement and believes it to be true and accurate.

A stipulation for Temporary Order or an Agreement for Judgment signed by both Parties and counsel of record and updated financial statements, if the matter involves a financial matter, may be handled administratively through this procedure. Please note that under G.L. chapter 208, sections 1A and 1B, agreed-upon initial judgments of divorce are not eligible for this administrative handling.

All matters that are permitted by law or standing order to be allowed administratively (for example, an Informal Probate Petition), will be reviewed, approved or denied by a magistrate and any subsequent letters, copies or notices will issue as is customary.

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

If the Court is temporarily closed for any reason related to the COVID 19 pandemic, our virtual registry will be available daily at www.zoomgov.com/my/middlesexprobate for any emergencies, case-related questions or filing information.

Filings may still be submitted through our e-filing site: www.efilema.com.

E. Contact Information:

Registry phone number	Woburn (781) 865-4000 Lowell (978) 656-7700	
Probation contact	Woburn (781) 865-4101 Lowell (978) 656-7700 (listen for prompt)	
Judicial Case Manager	Jason Caton	Jason.Caton@jud.state.ma.us (781) 865-4134

F. Additional Information:

Record Requests from our archive or storage location may still be made remotely. Rather than come to the courthouse in person, we strongly recommend that you email your request to middlesex.filerequest@jud.state.ma.us. Registry personnel 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 to the court cashier over the phone.

For detailed information on the Middlesex County Division, please review:

Memorandum on County Division: www.mass.gov/doc/memorandum-on-middlesex-county-division

The Middlesex Probate and Family Court is working to restart the Lawyer of the Day Program, both in-person and through the virtual registry. Until these programs are fully operational, parties may utilize the Court Service Center, Monday through Friday 9AM - 12 PM, by visiting www.zoomgov.com/j/1615261140, or calling 1-646-828-7666 and entering 1615261140. For any other questions regarding the availability of a volunteer in the Lawyer if the Day Program, you may call the registry at 781-965-4000 or visit the Virtual Registry.

MIDDLESEX COUNTY DIVISION CATCHMENT AREAS

MIDDLESEX - NORTH		MIDDLESEX - SOUTH	
<u>City/Town</u>		<u>City/Town</u>	
Ashby	Littleton		Arlington
Acton	Lowell		Belmont
Ashland	Marlboro		Cambridge
Ayer	Maynard		Everett
Bedford	Natick		Lexington
Billerica	North Reading		Malden
Boxboro	Pepperell		Medford
Burlington	Reading		Melrose
Carlisle	Sherborn		Newton
Chelmsford	Shirley		Somerville
Concord	Stow		Stoneham
Dracut	Stow		Wakefield
Dunstable	Sudbury		Waltham
Framingham	Tewksbury		Watertown
Groton	Townsend		Weston
Holliston	Tyngsboro		Winchester
Hopkinton	Wayland		Woburn
Hudson	Westford		
Lincoln	Wilmington		