

Operating Procedure for the Middlesex 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.

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

Both locations are staffed daily with minimal Registry and Probation personnel on staggered rotations. The Lobby is staffed to hold virtual hearings on a regular schedule and begin to hold in-person hearings as specified in Sections E and F of this protocol and in Standing Order 2-20, as amended.

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 Attachments).

Masks will be required for entry and must be worn at all times while in the courthouse. There will be a COVID screening for each person before admittance is allowed, which may include asking questions and taking temperatures. Entry into the Registry for assistance will be limited to the litigant only or the attorney on a case, with their client. Do not forget to bring your own pen. If an individual does not have business with the court, they will not be allowed entry.

The Middlesex Division is working to manage our caseload with limited personnel on-site at each location which may further reduce our ability to handle all in-person business and we will be limiting the number of people allowed into the building to conduct court business to that allowed by occupancy limits and safe staffing levels.

We hope that you take advantage of our recommended remote processes to limit in-person contact which will reduce wait times at both locations and allow registry staff to complete work timely.

Recommended Court Access Now Available:

We recommend using one of our remote options for filing, making inquiries or requesting court services. This is the fastest, most efficient way to begin any court proceeding or to get resolution to an emergency matter.

Use middlesexfilings@jud.state.ma.us for filing pleadings in any emergency matter under Section D which may or may not require screening. Since in-person hearings are limited at this time, we recommend using this service rather than coming to the court to file. This email is monitored by Registry personnel and is reserved specifically for emergency matters. Please do not use it for general questions or for filing routine documents as there are other options available

The Middlesex Virtual Registry is available Monday through Friday from 8:00 am to 4:00 pm. This is the primary point of contact recommended for **any** non-emergency Registry activity. This platform is staffed by employees to answer questions, provide forms, take copy requests and make payments, among other services. There will be a Lawyer of the Day available at specified times to assist income-eligible litigants in completing forms. You can find us at: www.zoomgov.com/my/middlesexprobate

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.

Copy Requests are recommended to be made via the virtual registry at www.zoomgov.com/my/middlesexprobate

Drop Boxes are available at the entrance of each location to submit completed paperwork and payment for filing without requiring entrance into the building.

Appointments may be made to view GAL Reports and this is the preferred method. Once an appointment is made, we will insure personnel are available to monitor the handling of the report and that a location is available to view the report. You may email middlesexprobate@jud.state.ma.us to make this appointment. Please provide "GAL Report" with the docket number in the subject line.

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 judges are currently scheduling hearings via the Zoom application for a virtual courtroom while they gradually increase the number hearings that require in-person hearings. *All hearings will be conducted virtually, unless parties and counsel have been specifically contacted by the judge's AJCM/Sessions Clerk that a hearing will take place in-person. Do not come to the Middlesex courthouses unless you have received that specific notice.*

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.

Woburn: A drop box marked "Probate Court Filings" will be located in the vestibule at 10-U Commerce Way and documents will be retrieved every 2 hours.

Lowell: A drop box marked "Probate Court Filings" will be located in the vestibule of the Lowell Justice Center at 370 Jackson Street and documents will be retrieved every 2 hours.

1. Forms: Anyone seeking forms may visit our virtual registry at www.zoomgov.com/my/middlesexprobate for electronic transfer or email of any court forms.
2. Regular Mail: Pleadings may be submitted via regular, expedited or express mail to both the North or South locations. Please see the attached Memorandum on the Division of the Middlesex Probate and Family Court and Middlesex Probate and Family Court Catchment Areas for information on the appropriate location to file which will prevent delays. Our 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

3. E-File: www.efilema.com is available to initiate and file pleadings in 1B Divorce Complaints, Petitions for Guardianship of an Incapacitated Person, Voluntary Administration Statements, Informal Probate Petitions and Formal Probate Petitions. 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. E-filing is not available for any other case type.

4. Filings prior to Hearing Date: Please submit any documents needed for hearing at least two (2) business days prior to the hearing date so they may be filed and docketed for remote access by the Court at the time of hearing. Only limited pleadings (i.e., financial statement, proposed orders) may be filed in the virtual courtroom on the date of hearing. **NO PLEADINGS OF ANY NATURE (INCLUDING CONTESTED OR UNCONTESTED MATTERS) ARE ALLOWED TO BE EMAILED TO ANY SESSIONS CLERK, AJCM OR JUDICIAL SECRETARY UNLESS SPECIFICALLY REQUESTED IN ADVANCE BY THE JUDGE OR THE JUDGE'S CLERK.**

5. Scheduling: Hearings on new non-emergency matters will be scheduled in the regular course to the first available date only if a Motion or other pleading which requires a court date has been filed with the Court. These matters will be heard virtually and a webpage will be provided on each notice to access the virtual courtroom on the date of the hearing. In-person hearings will be scheduled in accordance with Sections E and F of these protocols.

6. Administrative Uncontested Matters: To the extent we are able, the Middlesex Division is handling uncontested matters, submitted jointly, and with an affidavit waiving an in-person hearing administratively (without any hearing).

If a stipulation for Temporary Orders on a Motion or Contempt, or an Agreement for Judgment on a 1B Divorce, Complaint for Modification or a Contempt is filed, the Temporary Order or Judgment will be forwarded to the assigned judge for review. If all necessary papers are in order and the following are submitted:

1. A stipulation for Temporary Order or Agreement for Judgment signed by both Parties and counsel of record and updated financial statements, if the matter involves a financial matter;

2. For all unrepresented parties, an Affidavit 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;
4. understands they are waiving their right to an in-person hearing as to this matter only;
5. if applicable, has submitted an accurate financial statement;
and
6. has reviewed the opposing party's financial statement and believes it to be true and accurate.

Upon receipt and review, the judge will enter an order/judgment administratively, or contact you to inform you that a hearing is required.

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. 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.

Although all matters listed above are now allowed entry to the building, there are occupancy limits in place. It is strongly recommended that any of the matters listed above utilize the emergency email address middlesexfilings@jud.state.ma.us rather than in-person filing. After submission of the email, you will be contacted by court personnel with any additional filing procedures (e-filing or email), screening determinations, if required and virtual court hearing date and time, as determined by the Court.

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

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/middlesexprobate

Emergencies may be submitted to the Court at middlesexfilings@jud.state.ma.us or to the email address of the Sessions Clerk/AJCM working with the Judge to whom the matter is assigned with subject line "EMERGENCY" and the docket number.

Filings may still be submitted through our e-filing site, www.efilema.com. Questions may be sent to middlesexprobate@jud.state.ma.us which will be directed to the appropriate party for a response.

I. Contact Information

The best way to request or schedule a hearing is through the registry; Covid-19 virtual sessions are open for auto-scheduling for all case types with all judges. Judicial staff contact information is listed below, but please be mindful that staff has been inundated with email communication during the pandemic. Pleadings **SHALL NOT** be emailed to any judicial staff; all documents needed for a hearing must be e-filed, mailed or delivered as described above. Additionally, whenever possible, please communicate with the opposing party/counsel about scheduling issues prior to initiating email contact with court personnel. The fastest way to obtain a hearing date is through the registry.

In the event you need to contact an individual judge’s Sessions Clerk or AJCM, please email the JUDICIAL CASE MANAGER, JASON E. CATON. If he cannot respond to you directly, he will forward it on to a staff member who will respond to you.

Jason Caton 781-865-4000	Judicial Case Manager	jason.caton@jud.state.ma.us
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If a JCM/AJCM/Session Clerk/Judge specifically requests in advance that you email a specific document, you may do so, but all other unauthorized emailed attachments will not be opened.

Additional Contacts:

Emergency email address	middlesexfilings@jud.state.ma.us
Registry phone number*	Woburn: 781-865-4000 / Lowell: 978-656-7700
Virtual Registry	www.zoomgov.com/my/middlesexprobate
Email Inquiries	middlesexprobate@jud.state.ma.us
Copy Requests	781-865-4000, Option 3 or visit the virtual registry
Record Retrieval	Middlesex.filerequest@jud.state.ma.us

* Phone lines are very busy. Preferable method of contact is 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		

Middlesex Probate and Family Court
Divisional Rules of Judicial Assignment Chart

<u>City or Town Plaintiff/Petitioner</u>	<u>City or Town of Subject</u>
Complaint for Divorce (1A and 1B)	Estate Cases (Informal and Formal)
Complaint for Separate Support	Voluntary Administration
Complaint for Custody	Public Administration
Registration or Modification of a Foreign Decree	Guardian of Minor
Complaint for Annulment/Affirmation of Marriage	Guardian of an Incapacitated Person
Complaint to Establish Paternity	Conservator
Complaint for Custody/Support/Parenting Time	Conservator for a Single Transaction
Complaint for Contempt	Confirmation of a Health Care Proxy or Other Special Proceeding on HCP
Complaint for Modification	UAGPPJA Registration
Petition for Change of Name	Elder Abuse
Petition for Adoption	General Petitions
39M Petitions (SIJS)	General Trust Petition
Complaints/Petitions in Equity (except Petitions to Partition)	Petitions to Partition (Equity)
209A Abuse Prevention Petition	Testamentary Guardianship (The city of the decedent, or, if admitted, the facility)
Grandparent Visitation	Wills for Safekeeping
Marriage without Delay	
Marriage of a Minor	