

Operating Procedure for the Norfolk 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) An “operator” is stationed in the courthouse lobby, outside of the Registry to screen and to assist individuals seeking access to the Registry/Courthouse. The “operator” shall ascertain the nature of the visit and direct people accordingly as to how they will be assisted, either by way of Virtual Registry, phone, email or in person if necessary.
- 2) Virtual Registry: All persons seeking access to the Registry will be strongly encouraged to utilize the Virtual Registry which will be open from 8:30 a.m. to 4:00 p.m. The link to the Virtual Registry is - <https://www.zoomgov.com/j/16178466497> - which is posted on the Trial Court webpage.
- 3) Access to records and records requests: It is strongly recommended that you make an appointment using the signup genius which will be posted on the Trial Court webpage if you are requesting access to Registry records..

You may also request records by emailing: NCPFC@jud.state.ma.us.

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 matters have been and continue to be scheduled for telephonic or zoom hearings whenever practical.

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.

A drop-box is located outside of the Courthouse during normal business hours *i.e.* 8:30 a.m. to 4:30 p.m. Documents should be delivered at least 48 hours before any scheduled hearing. Please put all documents in an envelope and clearly mark the envelope with the date and time of hearing as well as the Judge assigned to the case. All documents shall contain each Party's or Counsels' phone number and emails.

A table will be physically located in the front lobby before being required to go through security, which shall contain forms and instructions for commonly requested types of cases, as well as financial statement forms.

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

<p><i>Emergency Protocol for the Norfolk Probate and Family Court During Temporary Closure by the Executive Office</i></p>

1. All initial 209A matters shall be brought to the local District Court that is still operational or to the attention of the assigned Judicial Response Service, "JRS", Justice. In the event a Probate and Family Court matter is brought to the attention of the JRS Justice, he/she shall contact our JCM, Kim LaDue or First Assistant Michael Barbadoro who will then contact the assigned Probate and Family Court Justice.
2. All continuance or modification issues of a 209A issued by this Court shall be brought to the attention of the JCM or First Assistant Register for our Court.
3. Emergency Contact Information as set out below shall also be posted on the entry doors of our building and shall be available on the voice greeting to the Registry telephone number.

Emergency Contacts:

781-830-1278 or michael.barbadoro@jud.state.ma.us

4. If required, the JCM and/or First Assistant shall request that a CARI record be run by our Probation Department to be shared with the assigned Justice. The First Justice of Bristol County Probate and Family Court, Katherine Field, has also offered the assistance of their Probation Department in the event it is needed.
5. All information, including the Petitioner's telephone number, shall be forwarded to the assigned Justice. If the assigned Justice is unavailable for any reason, the matter shall be brought to the attention of the assigned emergency Justice for that day.
6. If the Court is closed all reasonable efforts shall be made to conduct a telephonic hearing. Absent exigent circumstances, the hearing shall be recorded. If possible, a telephonic hearing shall be arranged by one of the other Divisions and recorded on their FTR. Any other method of recording of the hearing shall later be transferred to FTR when practical. All parties shall be sworn in.
7. The JCM and/or First Assistant Register shall assist the assigned Justice with the processing of any resulting Order. A typed-written signature of the assigned Justice shall suffice for the entry of the Order until such time as the Order may be signed and docketed.

8. At no time shall the private contact information for any Justice, JCM, First Assistant or other support staff be disclosed to any litigant, attorney or other individual

I. Contact Information

Emergency phone number	781-830-1278
Emergency email address	Michael.barbadoro@jud.state.ma.us
Registry phone number	781-830-1278
Probation contact	Danielle Slaney - Danielle.slaney@jud.state.ma.us - 781-830-4352
Judicial Case Manager	Kim LaDue - kim.ladue@jud.state.ma.us - 781-830-1229
Assistant Judicial Case Manager	Kim LaDue - kim.ladue@jud.state.ma.us - 781-830-1229 - Judge Cronan
Assistant Judicial Case Manager	Clare Gamberoni - clare.gamberoni@jud.state.ma.us - First Justice Gorman
Assistant Judicial Case Manager	Kathryn Hannon - kathryn.hannon@jud.state.ma.us - Judge Phelan
Assistant Judicial Case Manager	Jennifer Maggiacomo - jennifer.maggiacomo@jud.state.ma.us - Judge Peterson
Sessions clerk	Myisha Cesar-Louissaint - myisha.cesar@jud.state.ma.us - Judge Peterson
Sessions clerk	Pauline Alexopoulos - pauline.alexopoulos@jud.state.ma.us - Judge Cronan
Sessions clerk	Goro Matsuo - goro.matsuo@jud.state.ma.us - Judge Phelan
Judicial Assistant	Dianne Rowland - dianne.rowland@jud.state.ma.us - First Justice Gorman and Judge Peterson
Judicial Assistant	Olivia George - olivia.george@jud.state.ma.us - Judge Cronan
Judicial Assistant	Tracy Morin - tracy.morin@jud.state.ma.us - Judge Phelan

J. Additional Information

Please review your notice of hearing - any information regarding virtual hearing log in/call in information will be contained in the notice. Please call in on time and not before you assigned time as prior hearings may still be in progress.

All previously scheduled trials are being continued to allow trials that were in progress or scheduled pre COVID-19 to be scheduled in the order in which they were previously scheduled.

If dropping off Agreements, please write clearly (and boldly) on the envelope that an Agreement is enclosed and the name of the Judge to whom it should be directed. Modification and Contempt Agreements can be allowed administratively. Separation Agreements (complete packets), if approved will be scheduled for hearing within seven (7) days in most cases.

If dropping off paperwork for an upcoming hearing, please write clearly (and boldly) on the envelope that the paperwork is needed for a hearing scheduled on X date at X time before X Judge.

If Counsel agree, contested matters may be submitted to be decided on the pleadings/submissions in accordance with Rule 78. All such filings shall contain a coversheet indicating the Judge to whom the papers should be directed.

All filings must contain a valid phone number and email address for counsel and each Party.

Please limit the number of filings to only necessary documents

If you fail to file a Pretrial Memo or financial statements, fail to have a meeting prior to Pretrial Conference or fail to complete discovery prior to the Pretrial Conference sufficient to allow the Court to engage in a meaningful discussion regarding possible resolution, your matter may not be heard.