

**Operating Procedure for the Worcester 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. It is strongly recommended that you utilize the Virtual Registry to connect with court staff while remaining in the safety of your own home. You can do that by visiting: <https://www.zoomgov.com/j/1614383173> from 8:30 a.m. to 4:00 p.m. **Monday** through **Friday**.

Additional information about the Virtual Registry can be found at: <https://www.mass.gov/service-details/worcester-probate-and-family-court-virtual-registry>

2. For general inquiries, to request access to a case, or for copy requests, please send us an email at [wpfc@jud.state.ma.us](mailto:wpfc@jud.state.ma.us). Please note, any fees for copies provided in this manner must be paid by credit card charge to be made by court cashier over the phone.

**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.

The Court will continue to conduct remote hearings either telephonically or through Zoom technology, whenever possible. Specific contact instructions will be sent by the Court to Counsel and/or the parties in advance of the hearing. The Judges, with the support of the Lobby Staff, have resumed hearing matters five days per week. Please note that if a case remains scheduled in MassCourts, it does not necessarily mean that it will be heard virtually on that date. For all matters that will be heard virtually, the Court will notify Counsel and/or the parties in advance to confirm the date and time of the hearing and will provide instructions for how to participate virtually. No attorney or litigant may mark up a motion for hearing but shall instead file the motion with a “request for hearing” and it will be scheduled or otherwise addressed by the assigned Judge’s Sessions Clerk. All new 1A Joint Petitions for Divorce are being scheduled as they are filed. Notice with instructions as to the date and time of the 1A hearing will be sent to Counsel and/or the parties.

**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 is located at the entrance of the building before security.

There is also a designated area at the entrance of the building before security where you will find various forms and instructions for commonly requested case types, including 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.

Although the Court will physically reopen to the public on July 13<sup>th</sup> for limited purposes, including some in-person hearings, the Court will continue to conduct most business virtually.

**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.

Although the number of in-person hearings will further expand on August 10<sup>th</sup>, the Court will continue to conduct most business virtually whenever possible and as may be necessary for the safety of everyone.

**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**

During a full court closure there are no on-site Judges or support staff. If you are requesting a restraining order (209A), contact the AJCM listed above who will assist you with your request. Other emergency pleadings should be emailed to the staff as listed above, or e-filed, where available. Questions should be emailed to the “on call” AJCM for that particular day. Where a hearing on an emergency matter is held, the ability to record telephonic hearings is limited to hand-held devices and other electronic means. Once the court reopens, the hearing will be downloaded to FTR.

During an emergency closure, all scheduled non-emergency telephonic/virtual hearings will, unless notified by an AJCM, be postponed until the court reopens, preferably on the assigned Judge’s designated on-site day which generally coincides with their motion day. Upon the court re-opening, if not sooner, you will be contacted by an AJCM to set up the new date and time of the telephonic/virtual hearing with every effort made to schedule it within the first 48 hours of the court re-opening.

Please be prepared for your Zoom hearing to still go forward, even during a Court Closure, provided remote technology is available to Counsel and/or the parties.

**I. Contact Information**

Emergency phone number	(508)831-2200
Emergency email address	wpfc@jud.state.ma.us
Registry contact	Stephanie Fattman, <a href="mailto:Stephanie.fattman@jud.state.ma.us">Stephanie.fattman@jud.state.ma.us</a> , (508)831-2200
Probation Department contact	Lisa Wong, <a href="mailto:lisa.wong@jud.state.ma.us">lisa.wong@jud.state.ma.us</a> , (508)831-2290
Judicial Case Manager	Kathleen Brown, <a href="mailto:kathleen.brown@jud.state.ma.us">kathleen.brown@jud.state.ma.us</a> , (508)831-2208
Assistant Judicial Case Manager (Guardianship of IP’s/Rogers Reviews)	Jeanne Angers, <a href="mailto:Jeanne.angers@jud.state.ma.us">Jeanne.angers@jud.state.ma.us</a> , (508)831-2203
Head Administrative Assistant	Elaine Henderson, <a href="mailto:Elaine.henderson@jud.state.ma.us">Elaine.henderson@jud.state.ma.us</a> , (508)831-2231

**Lobby Contact Information**

**Judge Keamy Case:**

AJCM:	<a href="mailto:Susan.walton@jud.state.ma.us">Susan.walton@jud.state.ma.us</a>	(508)831-2254
Sessions Clerk:	<a href="mailto:Sharon.kelley@jud.state.ma.us">Sharon.kelley@jud.state.ma.us</a>	(508)831-2234
Judicial Assistant:	<a href="mailto:Eleanor.bianca@jud.state.ma.us">Eleanor.bianca@jud.state.ma.us</a>	(508)831-2206
Docket Clerk:	Jackie	(508)831-2217

**Judge Bailey Case:**

AJCM: [Fionnuala.girard@jud.state.ma.us](mailto:Fionnuala.girard@jud.state.ma.us) (508)831-2223  
Sessions Clerk: [Christian.kobel@jud.state.ma.us](mailto:Christian.kobel@jud.state.ma.us) (508)831-2235  
Judicial Assistant: [Moirra.Dacey@jud.state.ma.us](mailto:Moirra.Dacey@jud.state.ma.us) (508)831-2215  
Docket Clerk: Tina (508)831-2207

**Judge Sushchyk:**

AJCM: [Alicia.doherty@jud.state.ma.us](mailto:Alicia.doherty@jud.state.ma.us) (508)831-2241  
Sessions Clerk: [Amy.sliwoski@jud.state.ma.us](mailto:Amy.sliwoski@jud.state.ma.us) (508)831-2251  
Judicial Assistant: [martha.hidenfelter@jud.state.ma.us](mailto:martha.hidenfelter@jud.state.ma.us) (508)831-2233  
Docket Clerk: Anna (508)831-2226

**Judge Melia:**

AJCM: [Fionnuala.girard@jud.state.ma.us](mailto:Fionnuala.girard@jud.state.ma.us) (508)831-2223  
Sessions Clerk: [Ann.porcaro@jud.state.ma.us](mailto:Ann.porcaro@jud.state.ma.us) (508)831-2249  
Judicial Assistant: [Moirra.Dacey@jud.state.ma.us](mailto:Moirra.Dacey@jud.state.ma.us) (508)831-2215  
Docket Clerk: Tatsuka (508)831-2224

**Judge Tierney:**

AJCM: [Susan.walton@jud.state.ma.us](mailto:Susan.walton@jud.state.ma.us) (508)831-2254  
Sessions Clerk: [Kelly.amaral@jud.state.ma.us](mailto:Kelly.amaral@jud.state.ma.us) (508)831-2211  
Judicial Assistant: [Eleanor.bianca@jud.state.ma.us](mailto:Eleanor.bianca@jud.state.ma.us) (508)831-2206  
Docket Clerk: Kim (508)831-2228

**Judge German**

AJCM: [Alicia.doherty@jud.state.ma.us](mailto:Alicia.doherty@jud.state.ma.us) (508)831-2241  
Sessions Clerk: [Lana.simmons@jud.state.ma.us](mailto:Lana.simmons@jud.state.ma.us) (508)831-2202  
Judicial Assistant: [martha.hidenfelter@jud.state.ma.us](mailto:martha.hidenfelter@jud.state.ma.us) (508)831-2233  
Docket Clerk: Lee (508)831-2212