

Probate and Family Court

Standing Order 2 - 2021

Interdivisional Case Transfers and Interdivisional Case Assignments For Hearing Purposes Only

Effective November 1, 2021, AMENDED April 1, 2026

An interdivisional case transfer or interdivisional case assignment may be accomplished only through a written request to the Administrative Office of the Probate and Family Court. No interdivisional case transfer or interdivisional case assignment shall occur before a case has been docketed in the initial division.

This Standing Order replaces all previous guidance with respect to interdivisional case transfers and interdivisional case assignments.

A. Definitions

1. An interdivisional case transfer involves moving a case from one division to another due to improper venue. When an interdivisional case transfer occurs, the case is entered on the docket of the receiving division and assigned to a judge in the receiving division as if it had been initially filed in the receiving division. The Registry in the initial division shall deliver all related papers to the receiving division for docketing in the receiving division.
2. An interdivisional case assignment involves a case being assigned by the Chief Justice of the Probate and Family Court to be heard in a receiving division rather than the initial division. An interdivisional case assignment may occur if:
 - (a) there is a hardship or inconvenience to at least one of the parties;
 - (b) there are multiple pending proceedings concerning the same, or closely related, issues in more than one division (these may include matters concerning the same estate, protected person, ward, trust, or relief sought);
 - (c) an employee of the initial division, or a relative of an employee of the initial division, is involved in the case;
 - (d) all judges in a division have recused themselves from a case;
 - (e) an emergency arises and there is not a judge available to hear the case; or
 - (f) a situation not listed above arises and the Administrative Office determines, on a case-by-case basis, that an interdivisional case assignment is necessary.

3. Cross-site functionality in MassCourts includes all steps involved in processing a case, including, but not limited to, the acceptance of filings, docketing/scanning, resulting, and scheduling of cases that have been assigned to a receiving division for hearing purposes only.
4. Deliver means the Registry doing any of the following:
 - (a) scanning and emailing all related papers to the appropriate division/judge;
 - (b) hand delivering all related papers to the appropriate division/judge; and
 - (c) transmitting all related papers as required by any other means that results in the appropriate division/judge receiving all related papers.
5. Initial Division means the division in which a case is originally filed.
6. Receiving Division means the division to which a case is transferred or assigned.
7. An Interdivisional Referral Form is a form to be completed by a judge or Judicial Case Manager to request either an Interdivisional Case Transfer or an Interdivisional Case Assignment from the Chief Justice of the Probate and Family Court. The form shall be docketed in the case in the initial division.

B. Processing an Interdivisional Case Transfer for Improper Venue

1. An interdivisional case transfer, due to improper venue, may be sought by a motion for change of venue filed by a party or raised by the assigned judge sua sponte. The judge may decide whether to have a hearing on the motion.
2. The judge in the initial division must enter an order as to whether venue is proper in the initial division. If venue is not proper in the initial division, and the correct venue can be determined, the judge should also include in the order which division has proper venue. If the judge cannot determine which division has proper venue, the judge shall note that in the order. The order shall clearly state that the transfer is subject to the approval of the Chief Justice of the Probate and Family Court.
3. The order regarding change of venue must be sent to the Administrative Office of the Probate and Family Court with an Interdivisional Referral Form.
4. Upon the Chief Justice entering an order designating the receiving division, the receiving division shall enter the case on their docket and assign it a docket number. The case shall be assigned to a judge by the receiving division's First Justice as if it had been initially filed in the receiving division.

5. The Registry in the initial division shall docket and scan the order designating the change of venue and the case shall be disposed of using the disposition “Transferred for Improper Venue”. The Registry in the initial division shall deliver all related papers to the receiving division for docketing in the receiving division.

C. Processing an Interdivisional Case Assignment for Hearing Purposes Only

1. An interdivisional case assignment for hearing purposes only may be sought for the reasons included in Section A (2) above. A party may file a motion seeking an interdivisional case assignment for hearing purposes only, or the Court may raise the issue sua sponte. The judge may decide whether to have a hearing on the motion.
2. The Chief Justice of the Probate and Family Court shall determine whether a case may be assigned for hearing purposes only.
3. If a motion is allowed, the order shall clearly state that the assignment is subject to the approval of the Chief Justice of the Probate and Family Court.
4. An Interdivisional Referral Form requesting an interdivisional case assignment for hearing purposes only must be sent to the Administrative Office of the Probate and Family Court, with the order if applicable. If a motion has not been filed, the judge must notify the parties that the matter has been referred to the Chief Justice for an interdivisional case assignment.
5. Upon the Chief Justice entering an order designating the receiving division, the receiving division’s First Justice shall assign a judge to hear the case.
6. The Registry in the initial division shall docket and scan the order designating the assignment for hearing purposes only and then deliver the paper case file to the receiving division. The receiving division shall then utilize cross-site functionality to process the case as if it were the initial division. Upon completion of the matter, the paper case file shall be returned to the initial division.

D. Procedures

1. Each Probate and Family Court division shall designate an employee responsible for answering questions about interdivisional case transfers and case assignments. The contact information for the divisional personnel shall be posted on www.mass.gov.
2. The Chief Justice’s decision regarding a request for a transfer or assignment shall be provided to the Registry and First Justice of each involved division.

3. Interdivisional case assignments shall continue through the entry of judgment or decree of the case so assigned, including the resolution of any related post-judgment motions seeking clarification of an order, a new trial, relief from judgment, or similar relief from action taken by the judge assigned for hearing purposes only.
4. Complaints for contempt filed while a case that has been assigned for hearing purposes only is pending shall be accepted for filing, processed using cross-site functionality and heard in the receiving division.
5. Any subsequent actions shall be filed in the initial division and require a new request for assignment for hearing purposes only. Such requests must follow the procedures herein.

March 12, 2026



Brian J. Dunn
Chief Justice
Probate and Family Court