

Probate and Family Court  
Standing Order 2-2023  
Presumptive In-Person Hearings, Virtual Hearings, and Staggered Scheduling  
Effective July 1, 2023

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Consistent with the Probate and Family Court’s mission to deliver timely justice to the public by providing equal access to a fair, equitable, and efficient forum, and to maintain consistency among the Divisions of the Probate and Family Court, Standing Order 1-2021, which became effective July 12, 2021, and any administrative or scheduling protocols previously instituted by any Division of the Probate and Family Court in response to the COVID-19 pandemic are hereby rescinded and superseded by this Standing Order. It is hereby ORDERED, effective July 1, 2023, that the Divisions of the Probate and Family Court shall operate subject to the provisions below. This Standing Order shall remain in effect until further order of the Court.

Where appropriate, this Standing Order is intended to be consistent with any orders of the Supreme Judicial Court (“SJC”) and the Executive Office of the Trial Court.

**A. Email Filings and Electronic Signatures**

1. Email filings are not required to be accepted, except 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 SJC or the Executive Office of the Trial Court.
2. Electronic signatures will continue to be used, consistent with the current order of the SJC, unless and until otherwise amended by subsequent orders or rules.

**B. In-Person Proceedings**

The Probate and Family Court shall schedule 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 conducted on a staggered schedule as identified in Paragraph E below.

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.

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.

### **C. Virtual Proceedings**

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

1. Uncontested and confirmatory adoptions, unless the assigned judge determines that the matter should be heard in person or handled administratively.
2. Uncontested divorces, if ready for a hearing. If, after review by designated staff, the contents of the filing are deficient to the level that requires an in-person hearing, the matter may be scheduled for an in-person hearing.
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.
7. Discovery motions.

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.

### **D. Administrative Matters**

Matters that are generally handled administratively will continue to be handled administratively. These matters include, but are not limited to, the following: 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). If such a matter is not handled administratively, a virtual hearing will be scheduled.

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

### **E. Staggered Scheduling**

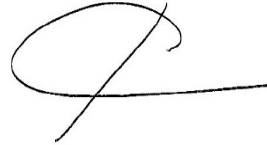
To better serve the court users, all Divisions shall continue staggered scheduling for all case types, whether in person, virtual, or a hybrid hearing. The scheduling of all matters shall be staggered (e.g., 9:00 a.m., 11:00 a.m., 2:00 p.m., etc.) to accommodate the maximum number of cases that may be heard and to attempt to minimize the wait time for court users while also ensuring the efficient and effective use of judicial and staff time. Separate sessions for remote hearings and in-

person hearings are strongly encouraged. All scheduling templates shall be subject to review and approval by the Chief Justice.

**F. Lawyer for the Day**

The Lawyer for the Day programs may be conducted in each Division in person and/or virtually. To best serve the public and to ensure access to justice for all self-represented litigants, each Register and First Justice shall provide any in-person Lawyer for the Day program operating in their Division space to conduct the program.

\_\_\_\_ June 8, 2023 \_\_\_\_\_  
Dated

A handwritten signature in black ink, appearing to be 'John D. Casey', written over a horizontal line.

John D. Casey  
Chief Justice  
Probate and Family Court