

SUPERIOR COURT STANDING ORDER 1-21

**UNIFORM PROCEDURES REGARDING PETITIONS FOR
ABORTION AUTHORIZATION UNDER G.L. c. 112, § 12R**

Applicable to All Counties

1. This Standing Order repeals and replaces Superior Court Standing Order 5-81.

2. Upon the filing of a petition under G.L. c. 112, § 12R (hereinafter § 12R), the Clerk of Courts or Clerk-Magistrate (clerk) shall immediately bring the matter to the attention of the judge in any session assigned to hear emergency civil matters, or to the Regional Administrative Justice (RAJ) or designee, who will either hear the petition or assign it to another judge for hearing.

If the petition is filed in a county in which no judge is then available, the clerk shall immediately notify the RAJ or the Administrative Office of the Superior Court (AOSC) of the pending petition. The RAJ or AOSC shall take such action as is necessary to arrange for prompt hearing in a location accessible to the petitioner or via teleconference.

The court shall appoint counsel for any petitioner who appears without counsel, unless the petitioner chooses to proceed without counsel. Costs and fees shall be waived. Counsel shall contact the clerk as soon as possible to schedule a hearing at a time during court hours when the petitioner is able to appear, either in person or by teleconference at the petitioner's option. The matter shall be given priority over all other cases then pending so that the court may reach a decision promptly and without delay to serve the best interests of the petitioner. AOSC shall provide a standard form petition and affidavit, to be available on the Trial Court's public website and in all clerks' offices for easy access by petitioners and their counsel.

3. The court may appoint a guardian ad litem for the petitioner or may make such other orders as necessary, under Mass. R. Civ. P. 17(b), but shall take care to avoid any delay that may result from such orders and to ensure prompt determination of the petition.

4. All proceedings pursuant to § 12R shall be confidential. All papers, other than the affidavit referred to herein, shall be designated anonymously in the name of Mary Moe. An affidavit bearing petitioner's true name and her signature shall accompany the petition, and shall be kept in a sealed envelope or other container, identifiable by the docket number of the petition. If the petitioner is unable to sign the affidavit herself, counsel may sign the petitioner's name on the affidavit, so indicating by counsel's initials. All papers, recordings, transcripts, and any other records of the proceeding, including electronic records, shall be impounded.

The clerk shall undertake to ensure that the petitioner's contact with the clerk's office is confidential and expeditious to the fullest extent practicable. Each clerk shall designate one or more staff person(s) to be available at all times during court hours to receive and process § 12R petitions, answer questions from a petitioner or her counsel in a private setting either in person or by telephone, and assist the petitioner or her counsel in expeditiously presenting her petition to the court.

5. The judge may conduct the hearing in person or via teleconference at the petitioner's option. If the petitioner opts for a hearing by teleconference, the court shall conduct the hearing by videoconference unless the petitioner is unable to access videoconference technology; in that event the court shall conduct the hearing by telephone. All hearings under § 12R, whether in-person or by teleconference, shall be conducted in the judge's lobby or other private setting. If it is necessary to conduct a hearing in a courtroom, the courtroom shall be closed to the public, and the petitioner and her counsel, if present in person, shall be escorted to and from the courtroom by the most private route available. All hearings shall be recorded electronically by means of a portable electronic recording device or by equivalent means.

6. The judge shall make specific factual findings and legal conclusions supporting the decision and shall order that the record of the proceeding, including the judge's findings and conclusions, be maintained. The AOSC shall provide a standard form for the making of such findings and order, which shall be available to all judges.

7. The court shall give the petitioner or counsel a copy of the court's order bearing the docket number, and a copy of the petitioner's sealed affidavit bearing the same docket number.

8. If a medical emergency or other substantial cause necessitates that a hearing under § 12R occur outside of normal court hours, the petitioner or her counsel shall contact the Massachusetts State Police to obtain access to the Judicial Response System (JRS).

/s/ Judith Fabricant

Judith Fabricant
Chief Justice of the Superior Court

Adopted: December 30, 2020

Effective: January 1, 2021