

March 20, 2020

To the Members of the Bar:

On behalf of the Judges and Staff of the Middlesex Probate and Family Court, I want to first thank you all for your patience and offers of help during this COVID-19 pandemic. Today is the fifth day into our unprecedented court closure/emergency-only court process, with at least ten more working days to come. Our Staff and judges have risen to the occasion, some putting in long hours on "off days," as they wade through the myriad of rescheduling and other case management issues. Each day, at least one sessions clerk or AJCM or other employee has told me how compassionate, patient and responsive attorneys have been this week. I sincerely thank you for such expressions of gratitude for our hard-working staff.

We have consolidated our multi-court courthouse at this time to enhance the safety of staff and the public. Staff are attempting to follow all of the CDC guidelines for risk reduction, including social distancing among staff and the public. Nearly all hearings, including c. 209A hearings and c. 208, s. 34B hearings, are being heard by teleconference or by videoconference. Those cases that must be heard in-person are being handled by one emergency judge (scheduled on a rotating basis each day) in Courtroom #2 in the 208 Cambridge Street main courthouse each day. There are no in-person hearings permitted in any other courtroom, as a matter of public safety. The Register and I have designated an Assistant Register or AJCM each day to be available to handle any emergency requests for hearings.

The Memorandum sent today lists emails addresses for scheduling of telephonic and videoconference hearings for the individual judges. Your attempt to agree upon teleconference dates and/or resolve any substantive issues by agreement with opposing counsel *prior* to emailing is most appreciated.

Stipulations for Temporary Orders and other agreements signed by parties and counsel will be allowed administratively pursuant to a process set by each judge. Check with the staff person assigned to the judge for any additional requirements, such as affidavits and financial statements, before mailing your agreements and agreements to the Court.

Additionally, please know that all **MARLBORO SESSIONS ARE CANCELLED THROUGH MAY 1, 2020**; parties will receive rescheduling orders. At least until April 6, 2020, **THIRD DISTRICT COURT is CLOSED to PROBATE and FAMILY COURT BUSINESS**. There is no public access, including attorneys, for Probate and Family Court business at 121 Third Street. All DOR Block sessions are cancelled until April 6, 2020.

Probate and Family Court sessions at the Superior Court in Lowell ended earlier this month in preparation for our county division and move. The start of our probate and Family Court sessions in Lowell remains as scheduled for Monday May 4, 2020. We stay in touch with bar leaders about further updates about the move.

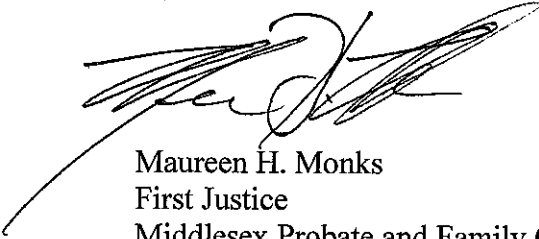
There is restricted access to 208 Cambridge Street courthouse. Effective immediately at least until April 6, 2020, all members of the public (including attorneys) with Probate and Family Court business may be allowed into the First Floor public lobby area (including restrooms) of the

Courthouse at 208 Cambridge Street so long as there is no obvious sign of illness and they have eligible business pursuant to the above Standing Order. If a matter is determined by Court staff to be eligible for immediate processing or hearing, all members of the public **must** follow the direction of the Court Officers as to courthouse waiting areas. Between March 18 and April 6, 2020, in-person hearings, if any, will be held in Courtroom 2 only; litigants and members of the public may only enter into the courtroom and be present as permitted by the Court Officers.

PUBLIC ACCESS TO ANY OTHER PART OF THE 208 CAMBRIDGE STREET BUILDING IS PROHIBITED.

I hope that the enclosed Middlesex County Memo assist members of the bar and the public about court access during this difficult time. As this is an ever-evolving situation, we hope to update you as any procedures and status changes. Once again, thank you for all that you do to help our court and its dedicated staff. Best wishes of good health to each of you and your families during this challenging time.

Take care,

A handwritten signature in black ink, appearing to read 'Maureen H. Monks', with a large, stylized flourish extending to the left.

Maureen H. Monks
First Justice
Middlesex Probate and Family Court

MIDDLESEX PROBATE AND FAMILY COURT
OPERATIONS UNDER PROBATE AND FAMILY COURT STANDING
ORDER 2-20

The following protocols are implemented forthwith by First Justice Maureen H. Monks and Register Tara E. DeCristofaro to address access to the court and temporary case management processes during the COVID-19 pandemic.

ACCESS TO THE COURT:

Commencing March 18, 2020, the court is **CLOSED** to all in-person activity, except for emergencies that cannot be handled through e-filing, email, telephone or video conferencing.

1. There will be on judge on-call during the regular hours of the Court, Monday through Friday 8:30 a.m. – 4:30 p.m. to hear emergency cases by telephone, video conference, or, under very limited circumstances, in-person, as determined by the Judge.

2. There will be staggered scheduling of all employees to limit contact and keep social distancing. All phones and emails will be monitored, but not manned individually. Therefore, only phone calls or emails made in accordance with the guidelines that follow will be processed.

3. If someone believes they or their client has an emergency, please do not come to the court before screening, unless the person is in imminent fear of physical harm consistent with the standards for a restraining order or those under a vacate order. Please call **617-768-5906**, a designated telephone number that has been assigned during this emergency period in order to provide instructions for remote processing of emergency pleadings.

4. If someone arrives at the courthouse alleging an emergency as specified in SO 2-20, there is signage which instructs that person to call a telephone number for initial screening by the First Assistant Register or Assistant Judicial Case Manager assigned to emergency processing. The person will be required to wait outside of the courthouse or in their vehicle and will not be permitted in the building while they await the results of the screen.

a. If the matter presented is determined to be an emergency requiring immediate judicial action, the individual will be provided with the forms to be completed. After they are submitted, they will be reviewed by the on-call judge who will rule on the matter administratively, hold an immediate telephonic hearing or provide other orders for hearing.

b. If the matter presented is determined not to be an emergency, the individual and/or counsel will be sent home to complete forms and file them via e-filing or mail as in the ordinary course.

c. All requests for Retraining Orders and requests for Vacate Orders are emergencies, which shall be heard telephonically once the paperwork is complete. Hearings on the return dates shall also be heard telephonically unless otherwise determined by the assigned Judge or as provided further herein.

CASE MANAGEMENT PROTOCOLS:

Commencing March 18, 2020 and until further notice, the following will be the protocol for all events currently scheduled or to be scheduled before the Court.

1. **TRIALS**

Trials scheduled to begin between March 18, 2020 and May 1, 2020 shall be continued. Counsel/parties will be contacted by the Court about rescheduling.

2. **TRIALS IN PROGRESS**

Trials now in progress shall be rescheduled. Parties may request a telephonic conference on the next assigned trial date to determine future scheduling to conclude the trial.

3. **PRE-TRIAL CONFERENCES, STATUS CONFERENCES, CASE MANAGEMENT CONFERENCES, AND SETTLEMENT CONFERENCES**

a. No Pre-Trial, Status, Case Management or Settlement Conferences will be scheduled until after May 1, 2020.

b. Conferences already scheduled before May 1, 2020 will be rescheduled unless a telephone conference or videoconference hearing is requested and approved as provided herein.

4. **CONTEMPTS**

a. No summonses will be issued for newly filed Contempts with a return date prior to May 1, 2020.

b. Contempts scheduled for hearing between March 18, 2020 and May 1, 2020 shall be rescheduled to the first available date after May 1, 2020.

b. All terms and conditions of existing Orders shall remain in effect.

5. **MOTIONS**

a. No non-emergency motions will be scheduled before May 1, 2020, unless otherwise ordered by the judge assigned to the case per the protocol in this memorandum.

b. Non-Emergency Motions that have been scheduled for hearing before May 1, 2020, will be decided as follows:

A. On the pleadings pursuant to Rule 78, provided that:

i. Both parties agree in writing to this process.

ii. The Court is provided with one (1) Motion Package consisting of the following:

a.) The Motion, with a separate Memorandum stating the reasons that the Motion should be allowed, the supportive Affidavit of the moving party; and

b.) A Memorandum in opposition stating the reasons that the Motion should not be allowed, and the supportive Affidavit of the opposing party.

iii. Separately filed Memoranda and/or affidavits will not be considered. It is the obligation of the moving party to coordinate the filing of the one (1) permitted Motion Package.

B. By telephone or videoconference, if necessary and practical, as determined by the Court. Contact the AJCM or Sessions Clerk assisting the Judge before whom the matter is scheduled for information on how the matter will proceed.

C. If not decided as set forth in Paragraphs 1 or 2 above, the matter will be remarked by the parties to a date after May 1, 2020.

6. EX PARTE/EMERGENCY MOTIONS

a. Ex Parte Motions shall be screened administratively by the Court to determine whether an emergency exists.

b. If the matter is deemed to require an immediate hearing, the Court will decide the time, place and manner of the hearing.

7. 209A ABUSE PREVENTION ORDERS

a. All restraining order requests and requests for orders to vacate and their initial return dates, including return dates when notice has not been accomplished, shall be heard by telephone or videoconference.

b. All emergency protection orders (G. L. c. 209A; G. L. c. 208, § 34B) issued at a hearing after notice prior to the issuance of this Standing Order and that are due to expire on or after March 16, 2020 shall remain in effect until the matter is rescheduled and heard by the Probate and Family Court.

c. Any protection orders (G. L. c. 209A; G. L. c. 208, § 34B) issued at a hearing after notice during the pendency of this Standing Order which was not heard in person may be issued only until such date at which the court can schedule an in-person hearing

8. UNCONTESTED MATTERS

Scheduled matters that are uncontested may be resolved administratively, or by telephone or videoconference pursuant to the separate protocol for same.

REQUESTING HEARINGS:

Commencing March 18, 2020 until further notice, a request for a non-emergency hearing by telephone conference or video conference, in which no other process has been provided herein, must be emailed to the AJCM listed for the assigned judge in the attachment (Attachment A) as follows:

1. TELEPHONE CONFERENCE

A request for a telephonic hearing on a non-emergency matter already scheduled for hearing before April 30, 2020 shall be made via email to the contact provided for the scheduled judge in the attached stating in the subject line "Telephonic Hearing Request". You will receive an answer via email. If permitted, the telephonic hearing will be scheduled on a date and time available to the Court.

2. VIDEO CONFERENCE PROCEDURE

A request for a videoconference hearing before April 30, 2020 on any matter already scheduled shall be made via email to the contact provided for the scheduled judge in the attached stating in the subject line "Videoconference Hearing Request". The request shall include the case name,

docket number and event type, valid email addresses and phone numbers for all participants, and a certification that the participants have a computer, tablet or phone with video capability and microphone/speakers, a working WIFI/ internet connection, and the ability to download the “realpresence” player (for which a link will be sent by email). If permitted, the videoconference hearing will be scheduled on a date and time available to the Court.

EXTENSION OF ORDERS:

1. Treatment plans that expire between March 18, 2020 and May 1, 2020 will be administratively extended for 60 days. Administrative extension of treatment plans shall be signed by the designated magistrate. A party may seek to bring the matter forward for good cause upon a demonstration of exigent circumstances via email to the contact person listed in the attached for the assigned judge. If such a request is made it shall be forwarded to the appropriate Judge who may act on the matter administratively or mark it for hearing.
2. Temporary Orders for Appointment in guardianship and conservator cases that expire between March 18, 2020 and May 1, 2020 shall be extended administratively for 60 days. Administrative extension of these Orders shall be signed by the designated magistrate. A party may seek to bring the matter forward for good cause upon a demonstration of exigent circumstances via email to the contact person listed in the attached for the assigned judge. If such a request is made it shall be forwarded to the appropriate Judge who may act on the matter administratively or mark it for hearing.
3. Sua Sponte custody orders that expire between March 18, 2020 and May 1, 2020 shall be extended 45 days from the expiration date unless a party seeks to bring the matter forward for good cause upon a demonstration of exigent circumstances via email to the contact person listed in the attached for the assigned judge. If such a request is made it shall be forwarded to the appropriate Judge who may act on the matter administratively or mark it for hearing.
4. All orders that were issued prior to the Standing Order and after an adversarial hearing (or the opportunity for an adversarial hearing) that are due to expire prior to April 21, 2020, shall remain in effect until the matter is rescheduled and heard.

NEW FILINGS:

Commencing March 18, 2020 until further notice, all filings must be made via e-file, if permissible, or by mail. No filings will be accepted in person unless otherwise provided for and in the manner provided herein. No events will be scheduled on any new filings prior to May 1, 2020.

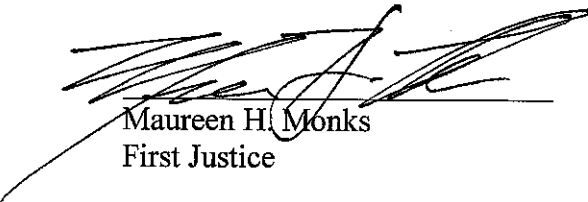
If, pursuant to a judge’s determination, a matter may be submitted by email for a ruling, the emailed copy of the original pleadings will be filed and docketed. The original pleadings may

be submitted for substitution of the emailed copy in the official record of the Court on the next in-person hearing date.

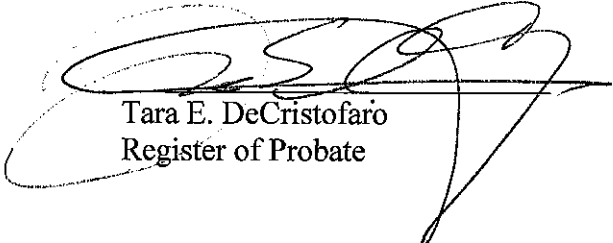
PROGRAMS AND ORDERS:

Commencing March 18, 2020 until further notice or expiration of SO 2-20, the following have been suspended or cancelled:

1. All Parent Education courses that have already begun shall be suspended until after May 1, 2020, and be rescheduled. No new Parent Education courses shall begin until after May 1, 2020.
2. Lawyer of the Day program is suspended until further Order of the Court.
3. Any person who has been ordered to perform community service shall not have to perform such community service until after May 1, 2020.
4. All "seek work" Orders are suspended until further Order of the Court.
5. All "in-court" drug testing Orders are suspended until further Order of the Court.
6. The weekly Informal Session is suspended until further notice.
7. The uncontested Magistrate Session is cancelled until further notice.
8. The Guardianship Clinic is cancelled until further notice.
9. MOPC Mediation sessions are cancelled until further notice.



Maureen H. Monks
First Justice



Tara E. DeCristofaro
Register of Probate

DATED: MARCH 20, 2020

ATTACHMENT A

JUDICIAL CONTACT LIST FOR REQUEST FOR TELEPHONIC/VIDEO HEARINGS

| JUDGE | AJCM to Contact | EMAIL ADDRESS |
|----------------|------------------------|---------------------------------|
| Judge Allen | Colin McKinnon | colin.mckinnon@jud.state.ma.us |
| Judge Barbar | Joanne O'Donnell | joanne.odonnell@jud.state.ma.us |
| Judge Burchill | Renee Khan | renee.khan@jud.state.ma.us |
| Judge Cafazzo | Colin McKinnon | colin.mckinnon@jud.state.ma.us |
| Judge Gargas | Krishna Butaney | krishna.butaney@jud.state.ma.us |
| Judge McSweeny | Lisa Casey | lisa.casey@jud.state.ma.us |
| Judge Monks | Alison McCrone | alison.mccrone@jud.state.ma.us |
| Judge Tetreau | Renee Khan | renee.khan@jud.state.ma.us |