

Juvenile Court
Standing Order 3-20

Court Operations Under the Exigent Circumstances Created by COVID-19

WHEREAS, the Supreme Judicial Court issued an Order, OE-144 on March 17, 2020, providing that from March 18, 2020 until at least April 6, 2020, Massachusetts courts will be closed to the public except to conduct emergency hearings that cannot be resolved through a videoconference or telephonic hearing, either because such a hearing is impracticable or because it would be inconsistent with the protection of constitutional rights, and pursuant to my authority under G.L. c. 211B, § 10,

It is hereby ORDERED that Juvenile Court Standing Order 1-20 issued on Friday, March 13, 2020 and Juvenile Court Standing Order 2-20 issued on Tuesday, March 17, 2020, are rescinded and superseded by this Standing Order.

It is further ORDERED that the emergency matters listed below shall only be conducted by a judge by videoconference or by telephonic conference call without the physical presence of the parties, counsel, or other members of the public so as to avoid person to person contact and possibility for transmission of the virus, unless otherwise indicated below. Any Court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended for the duration of this Order.

This Order will remain in effect until a subsequent order issues rescinding this Order.

I. EMERGENCY MATTERS TO BE HEARD BY VIDEOCONFERENCE OR TELEPHONIC CONFERENCE

Those emergency matters to be heard by videoconference or telephonic conference are:

A. Care and Protection Matters

1. 72 Hour Hearings. If the judge grants temporary custody of the child(ren) to the Department of Children and Families, the temporary custody hearing required under G.L. c. 119, § 24, shall be held by videoconferencing or telephone unless the parties agree to waive the statutorily required 72 hour period and continue the temporary custody hearing until after April 6, 2020. If circumstances are such that one or more of the parties cannot participate either via videoconference or telephone and do not agree to continue the hearing until after April 6, 2020 arrangements may be made for the hearing to occur in person at the designated court location.

B. Delinquency/Youthful Offender Proceedings

1. Arraignments. All arraignments for any juvenile arrested and detained by the Department of Youth Services between March 16, 2020 and April 6, 2020 shall be conducted via videoconferencing or telephone through prior arrangement between the appropriate court location and the Office of the General Counsel for the Department of Youth Services. All other arraignments shall be scheduled to occur after May 4, 2020.

2. Dangerousness Hearings. Any hearings required for a juvenile currently detained as a result of an order issued pursuant to G.L. c. 276, § 58A, shall be conducted via videoconferencing and/or telephone through prior arrangement between the appropriate court location and the Office of the General Counsel for the Department of Youth Services. If the District Attorney requests a § 58A hearing between March 16, 2020 and April 6, 2020, the hearing shall be conducted via videoconferencing and/or telephone.

3. Detained Youth: Any motions for bail reconsideration, motions seeking the release of a youth detained as a result of a bail revocation order, or detained awaiting a violation of probation hearing filed with the court shall be considered emergency filings and should be scheduled to be heard as soon as possible. The hearing shall take place via telephone or videoconference only.

C. Child Requiring Assistance

1. CRA Runaway: If a parent contacts the court regarding the filing of a child requiring assistance application alleging that the child is a runaway, the court shall make every effort to provide the parent with the application without requiring the parent to appear in person at the court. Once the application is completed and filed with the court, the court shall schedule the preliminary hearing which shall take place via telephone or videoconference only.

D. G.L. c. 123, § 35 Hearings

If a petitioner contacts the court regarding the filing of a petition for commitment pursuant to G.L. c. 123, § 35, the court shall make every effort to provide the petitioner with the petition without requiring the petitioner to appear in person at the court. Once the petition is completed and filed with the court, the court shall schedule the hearing which shall take place via telephone or videoconference only. If a party cannot participate via telephone or videoconference, the court may make arrangements for an in person hearing in the courtroom.

E. G.L. c. 123, §§ 7, 8

The court shall receive any petitions filed pursuant to G.L. c. 123, § 7, as emergency petitions. The hearing shall take place within the statutorily prescribed period via telephone or videoconference and is considered an emergency hearing.

F. Harassment Prevention Orders

- 1.** Emergency Harassment Prevention Orders and the hearing after initial notice shall be conducted via videoconference or telephone.
- 2.** All emergency protection orders (G.L. c. 258E) issued after notice prior to the issuance of this 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 court.
- 3.** Any orders issued prior to March 17th with a hearing scheduled during the pendency of this Order are to remain in full force and effect until the matter is rescheduled and heard by the court, unless an order issues by the court terminating the order at an earlier date.
- 4.** Any protection orders (GL c. 258E) issued at a hearing after notice during the pendency of this order which was not heard in person may be issued only until such date at which the court can schedule an in-person hearing.

All such videoconference or telephonic hearings should be held, to the extent practicable, in a courtroom or court location that can be recorded by FTR. Clerk-Magistrates should docket all cases in MassCourts consistent with normal procedures.

II. NON-EMERGENCY TYPES, EVENTS, ORDERS AND FILINGS

All non-emergency scheduled case events shall be continued to a date after May 4, 2020 unless otherwise identified in this Standing Order, including any trials that have commenced in a care and protection matter.

A. New Filings in Non-Emergency Case Types

Unless otherwise identified in this Standing Order, parties shall file new matters in non-emergency cases by mail, by e-mail, where available, or by dropping off the filing at a designated drop box at the appropriate court location, where available. The filings will be docketed but no event will be scheduled in the matter before May 4, 2020.

B. Care and Protection Matters

1. Petitions. All petitions filed pursuant to G.L. c. 119, § 24 shall be emailed or faxed to the appropriate court location by the petitioner. After review by the judge, the judge's order, including the determination required by G.L. c. 119, § 29C, shall be emailed or faxed to the parties.

2. Court Investigators and Guardians Ad Litem. Any court investigator appointed prior to March 17, 2020 shall limit their investigation to phone calls, emails and writing of the report only. No in-person interviews, visits to homes, visits to DCF offices, hospitals, etc., required for the investigation shall take place until further notice. All completed court investigator reports shall be mailed to

the appropriate court location. Court investigators shall not fax or email any reports to any court. All bills shall continue to be mailed to the appropriate court locations with the understanding that there may be a delay in the processing of bills due to limited staff. Court investigators shall contact the court by phone only with any questions regarding their appointment. Any court investigator appointed between March 17, 2020 and April 6, 2020 shall not begin the investigation in any way until after April 6. Any guardian ad litem appointment and report shall be extended until after May 4, 2020 excluding those cases where the judge determines that the issue is time- sensitive and may set a date certain for report by the guardian ad litem.

3. Temporary Custody Orders, Orders for Anti-Psychotic Medication and Extraordinary Medical Treatment. Any temporary custody order, order for anti-psychotic medication and/or extraordinary medical treatment set to expire between March 18, 2020 and May 4, 2020 shall be administratively extended in accordance with the date of the next scheduled event for the matter in which the order was issued. A party may file a motion via email or fax to the appropriate court location to bring the matter forward upon a demonstration of exigent circumstances. The parties shall be informed of the judge's order via email or fax.

4. Petitions for Do Not Resuscitate/Withdrawing Life-Sustaining Medical Treatment. Any petition filed pursuant to G.L. c. 119, § 38A shall be filed via email or fax to the appropriate court location. The petition shall be decided on the pleadings and the parties shall be informed of the judge's order via email or fax.

5. Identification of Subject Children in Care & Protection Matters. The identification of the subject child in a care & protection matter pursuant to G.L. c. 119 § 26(a) shall be continued to May 4, 2020 or a date thereafter. In the judge's discretion, the identification may be conducted by videoconferencing or telephonically at any time.

C. Delinquency/Youthful Offender Proceedings

1. Probable Cause or "Show Cause" Hearings. Show cause hearings scheduled between March 18, 2020 and May 1, 2020 shall be continued to a date set by the Clerk-Magistrate not before May 4, 2020. Show cause hearings on all applications for complaints filed between March 18, 2020 and May 1, 2020 shall be scheduled to take place on a date set by the Clerk-Magistrate after May 4, 2020.

2. Summons Arraignments. Summons arraignments on complaints issued between March 18, 2020 and May 1, 2020 shall be continued to May 4, 2020 or a date thereafter.

D. Child Requiring Assistance (CRA) Matters

All CRA hearings shall be continued to May 4, 2020 or a date thereafter. Waiver of appearance of the parties, including subject children, attorneys, and employees of the Department of Children & Families shall be considered wherever practicable.

E. Adoptions

Any adoption scheduled to be heard between March 17, 2020 and April 6, 2020 shall be continued to after May 4, 2020. If a party requests to hold the adoption as originally scheduled, the court shall inform the party that an in-person hearing is not possible but the court will issue the appropriate decree on the originally scheduled date and mail the decree to the parties.

Any other deviation from this Order must be sought from the Chief Justice of the Juvenile Court.

Date: March 25, 2020

/s/ Amy L. Nechtem
Hon. Amy L. Nechtem
Chief Justice of the Juvenile Court