

By Mr. Creedon of Brockton, petition of James R. Lawton and Michael C. Creedon relative to the holding of sessions of the Probate and Family Court Department. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Seven.

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**AN ACT RELATIVE TO THE HOLDING OF SESSIONS OF THE PROBATE AND FAMILY COURT DEPARTMENT.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 215 of the General Laws is hereby  
2 amended by striking out section 2, as appearing in the 1984  
3 Official Edition, and inserting in place thereof the following  
4 section: —

5 Section 2. There shall be six judges of probate in the county  
6 of Middlesex, four judges of probate in the counties of Norfolk,  
7 Suffolk and Plymouth, three judges of probate in the counties of  
8 Essex, Worcester and Bristol, and two judges of probate in each  
9 of the counties of Hampden and Barnstable. The senior judge shall  
10 be the first judge in each county, to whom, and to his successors,  
11 all bonds required by law to be given to the judge of probate for  
12 said counties shall be made payable. The probate court and the  
13 court of insolvency for said counties may be held by one or both  
14 of the judges, when so held, shall have and exercise all the powers  
15 and jurisdiction committed to the respective courts. The judges  
16 shall so arrange the performance of their duties as to insure a  
17 prompt and punctual discharge thereof. The judges may perform  
18 each other's duties when necessary or convenient. The justices  
19 appointed to serve in the Probate and Family Court Department  
20 shall serve in the division to which said justice has been appointed  
21 and shall transact all of the business of said division during the  
22 normal hours of said court. The administrative justice may, from  
23 time to time, after consultation with the chief administrative

24 justice of the trial court, make assignment of any such justice to  
25 another division of the trial court at times to be determined by  
26 the administrative justice, and said assignment of any justice shall  
27 not exceed twenty days in the calendar year. Justices appointed  
28 to the Berkshire, Franklin and Hampshire division may be  
29 assigned to other divisions of the trial court not to exceed sixty  
30 days in the calendar year. The justices of Nantucket and Dukes  
31 division may be assigned at any time to any other division and  
32 provided those assignments do not interfere with the normal  
33 sessions of the division from which said justice is assigned.  
34 Simultaneous sessions of the courts in said counties may be held  
35 if public convenience requires. Citations, orders of notice and all  
36 other processes issued by the register of probate and insolvency,  
37 in this chapter called the register, for any of said counties, shall  
38 bear teste of the first judge of said court. Deposits or investments  
39 made in the name of the judge of probate shall be in the name  
40 of the first judge of the court and shall be subject to the order  
41 of the court.

1 SECTION 2. Section sixty-two of chapter two hundred and  
2 fifteen as amended by Chapter one hundred seventy-four of the  
3 Acts of nineteen hundred eighty-six is hereby repealed.