

**Probate and Family Court**  
**Frequently Asked Questions**

April 21, 2020

**General FAQs**

**1. Which matters are emergency matters that I can file and have a hearing, unless the Court needs me to give notice?**

If you have one of the cases listed in this section, you can file your case and have a hearing, unless the Court tells you that you need to give notice before a hearing can be held. You do not have to show the Court that you have an emergency – these cases have already been determined to be an emergency in Standing Order 2-20, as amended. “Notice” means telling the defendant and interested parties that a case/motion has been filed.

- a. Restraining Orders Pursuant to G. L. c. 209A/Orders to Vacate Pursuant to G. L. c. 208, § 34B
- b. Petitions/motions seeking a Do Not Resuscitate/Do Not Intubate/Comfort Measures Only (DNR/DNI/CMO) order, authorization for medical treatment order, or order for antipsychotic medication
- c. Petitions seeking appointment of a temporary guardian or conservator
- d. Petitions pursuant to G. L. c. 19A, § 7 and G. L. c. 19C, § 20 – protective services
- e. Health Care Proxy actions
- f. Petitions/Motions for Appointment of Special Personal Representative
- g. Petitions for marriage without delay
- h. Complaints for Dependency (SIJS) if the child will turn 21 prior to May 1, 2020
- i. All requests for injunctive relief – “Injunctive relief” is a court order for the defendant to stop a specified act or behavior. In the Probate and Family Court, there are temporary restraining orders (TROs), preliminary injunctions, and permanent injunctions.

**2. Which matters may be an emergency matter if I can show exceptional/exigent circumstances?**

If you have one of the cases listed in this section (paragraphs a – f), you can file your case, **and, if you can show the Court that you have exceptional/exigent circumstances**, you will have a hearing unless the Court tells you that you need to give notice before a hearing can be held. You may be asked to write a statement explaining your emergency. The Court may tell you that you need to give someone notice before a hearing can be held. Below are some definitions that may be helpful.

“Exceptional/exigent circumstances” means that the matter is serious and immediate, and that significant harm may occur if the case cannot be filed and heard.

“Sua sponte” means a court action that is done without a party asking.

“Administratively extended” means extended by the court without you having to do anything.

“For good cause shown” means a person can show that there is a legally sufficient basis for asking the court to do something.

“On the pleadings” means the judge will make a decision on the papers filed and without a hearing.

- a. Motions for temporary orders where exceptional/exigent circumstances have been demonstrated
- b. Contempt actions where exceptional/exigent circumstances have been demonstrated
- c. If the Department of Children and Families (DCF) has custody of child(ren) under a sua sponte order pursuant to G. L. c. 119A, § 23 (a) (3) that expires between March 18, 2020 and May 4, 2020, the order will be administratively extended for 45 days from the expiration date. A party to the case may, for good cause shown, ask to be heard earlier by showing exigent circumstances. The request may be decided on the pleadings.
- d. Treatment plan orders (for example, antipsychotic medicine) that expire between March 18, 2020 and May 4, 2020 will be administratively extended for 60 days from the expiration date. A party may, for good cause shown, ask to be heard earlier by showing exigent circumstances. The request may be decided on the pleadings.
- e. Temporary orders of appointment in guardianship and conservator cases that expire between March 18, 2020 and May 4, 2020 will be administratively extended for 60 days from the expiration date. A party may, for good cause shown, ask to be heard earlier by showing exigent circumstances. The request may be decided on the pleadings.
- f. If your trial or evidentiary hearing is postponed by Standing Order 2-20, as amended, you can file a motion asking for your case to be heard. You will have to show exceptional/exigent circumstances. The motion will be heard on the pleadings or virtually by telephone or videoconference. No exception shall be granted except with the approval of the assigned judge and the Chief Justice of the Probate and Family Court. Standing Order 2-20, as amended, can be found at:  
<https://www.mass.gov/probate-and-family-court-rules/probate-and-family-court-standing-order-2-20-court-operations-under>

### **3. What do I do if I think I have an emergency matter and I cannot find it listed in Section 1 or Section 2?**

If you think you have an emergency matter, and it is not listed in Section 1 or Section 2, you will need to speak to someone from the Court. You will have to show the Court that you have exceptional/exigent circumstances. You may be asked to write a statement explaining your emergency. If it is determined that you do not have an emergency, you can file your matter by mail, email, or e-filing, if it is available for that matter. Each division of the Probate and Family Court has contact information on the Trial Court website. To get information about your local division, you can look at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court’s COVID-19 page at:

<https://www.mass.gov/guides/court-system-response-to-covid-19>.

#### **4. What do I do if I have an emergency matter?**

If you have an emergency matter, you should:

- a. Contact your local division of the Probate and Family Court for help. Each division has information at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court's COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party's name, as well as your docket number, if you have one.
- b. Prepare as much paperwork in advance as possible by finding forms at: <https://www.mass.gov/guides/probate-and-family-court-forms>. The forms page is divided by topics to help you find the form(s) you need.
- c. Be prepared to explain why your situation is an emergency, if necessary.

#### **5. How do I file an emergency matter?**

There is a chart on-line that shows how to file most emergency matters. You can check <https://www.mass.gov/doc/filing-methods-for-emergency-actions-as-defined-by-probate-and-family-court-standing-order-2-20/download> for information about how emergency matters can be filed. If you have an emergency matter that is not on the chart, you should contact your local division of the Probate and Family Court for help. Each division of the Probate and Family Court has information at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court's COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party's name, as well as your docket number, if you have one.

#### **6. How do I file a matter that is not an emergency matter?**

Matters that are not an emergency can be mailed, emailed, or e-filed, if e-filing is available for that matter. Filings will be docketed, but no event shall be scheduled before May 5, 2020. To find contact information for your local division of the Probate and Family Court, you can look at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court's COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party's name, as well as your docket number, if you have one.

#### **7. How do I find out what cases can be e-filed?**

The following cases can be e-filed: estates and administration, divorces under G. L. c. 208, § 1B and guardianship of incapacitated persons. You can find more information about e-filing at: <https://www.mass.gov/info-details/learn-about-efiling-in-the-trial-court>.

**8. What do I do if I have a question about parenting time? What if my parenting time is supervised and I have questions?**

Chief Justice Casey has written an open letter that you can find at:

<https://www.mass.gov/news/open-letter-regarding-co-parenting-during-covid-19-from-chief-justice-john-d-casey>. Parenting orders are still in effect during this pandemic. If you think you have an emergency matter relating to parenting time, please read the information in Sections 2 – 5. If you have supervised parenting at a center, and the center is closed, you may have an emergency matter. To get information about your local division of the Probate and Family Court, you can look at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court’s COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party’s name, as well as your docket number, if you have one.

**9. My parenting time has been reduced/eliminated by my child’s parent/guardian without a court order. What can I do?**

Please read the information in Sections 2 – 5. Depending on your circumstances and the status of your case, if you have one already, you could have many options. It may be appropriate for you to file a Complaint for Custody – Support – Parenting Time, a Complaint for Modification and/or a Motion for Temporary Orders, a Complaint for Contempt, or a motion. If you have an attorney, you should talk to your attorney. To get information about your local division of the Probate and Family Court for help, you can look at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court’s COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party’s name, as well as your docket number, if you have one.

**10. What do I do if I think my child support order should be changed because I have lost my job?**

If you think you have an emergency matter, please read the information in Sections 2 – 5. Depending on your circumstances and the status of your case, if you have one already, it may be appropriate for you to file a Complaint for Modification and/or a Motion for Temporary Orders. If it is determined that you do not have an emergency matter that needs to be heard, you can still file a Complaint for Modification and/or a Motion for Temporary Orders. To get information about your local division of the Probate and Family Court for help, you can look at the Protocols for Court Operation section in the Probate and Family Court section on the Trial Court’s COVID-19 page at: <https://www.mass.gov/guides/court-system-response-to-covid-19>. When you contact your local division, be prepared to provide your name and the other party’s name, as well as your docket number, if you have one.

**11. What do I do if I am unable to reach anyone in the Register’s office by telephone?**

The Trial Court is operating a Help Line where you can get information from 8:30 – 4:30, Monday through Friday. The number is 833-91COURT. You can also contact your local division for help. To get information about your local division of the Probate and Family Court

for help, you can look at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court's COVID-19 page at:

<https://www.mass.gov/guides/court-system-response-to-covid-19>.

**12. What do I do if my local Probate and Family Court is temporarily closed by the Executive Office of the Trial Court due to COVID 19?**

- a. If you need to find out if your local court is temporarily closed, you can find information at: <https://www.mass.gov/info-details/temporary-court-closures-due-to-covid-19>.
- b. Even if your local court is temporarily closed, there are procedures in place for emergency cases to be processed.
- c. Each division has a protocol for court operations and contact information at the Protocols for Court Operations section in the Probate and Family Court section on the Trial Court's COVID-19 page at:  
<https://www.mass.gov/guides/court-system-response-to-covid-19>.
- d. If your local Probate and Family Court is closed, and you are looking for a restraining order, you could reach out to a SAFEPLAN program. Information is available at: <https://www.mass.gov/service-details/safeplan-program>. The District Court also has jurisdiction over restraining orders.

**13. I have questions about how my case is being handled. What can I do?**

You have options. You can:

- a. Review the Trial Court's website regarding COVID 19 at:  
<https://www.mass.gov/guides/court-system-response-to-covid-19>. The Probate and Family Court has a section of that page with links to other information.
- b. Contact your local division for help. To get information about your local division of the Probate and Family Court for help, you can look at the Probate and Family Court section on the Trial Court's COVID-19 page at:  
<https://www.mass.gov/guides/court-system-response-to-covid-19>.
- c. Call the Help Line 833-91COURT.

**14. I have guardianship of a minor family member. Are there any resources available to help me get services?**

Kinship Navigator is a program of the Commonwealth of Massachusetts that assists all kinship caregivers (grandparents and other relatives) with accessing services for themselves and the children they are raising. Kinship Navigator staff act as a point of contact for kinship caregivers statewide and their families. They assist with navigating services and connecting kinship caregivers to community resource. You can find more information about this program at:  
<https://www.mass.gov/info-details/kinship-navigator-information>.

**15. Are interpreter services available if I call the Trial Court Help Line at 833-91COURT?**

Yes, interpreter services are available for callers with limited English proficiency that call the Trial Court Help Line.

**16. Are interpreter services available if I call a Registry of the Probate and Family Court?**

Yes, for calls to a Registry, the Court Service Center has a call line for assistance with Spanish and Portuguese.

**17. What if I have an emergency hearing scheduled by the Court, will there be an interpreter?**

Court Interpreter Services are open Monday-Friday, 8:30-4:30 pm. Court interpreters are available to support courts handling emergency matters in nine languages, including Spanish, Portuguese, Cape Verdean, Haitian Creole, Arabic, Chinese, Khmer, Russian and Vietnamese.

**18. How can I find information about free or low cost legal help and legal information?**

The Legal Resource Finder website can give you information about free or low cost legal help. You can also get links to legal information and materials that will help you. You can find the Legal Resource Finder at: [www.masslrf.org](http://www.masslrf.org).

You can also go the MassLegalHelp website, which provides plain language information about many areas of law. Probate and Family Court related material can be found at: [www.masslegalhelp.org/covid-19-courts/probate-family](http://www.masslegalhelp.org/covid-19-courts/probate-family).

## **Parent Education FAQs**

### **1. In light of COVID 19, what temporary changes have been made to Standing Order 2-16 “Parent Education Program Attendance” which requires certain individuals to complete the mandatory parent education requirement?**

- a. In-person classes have been suspended until further notice.
- b. On-line services are available at <http://www.parenteducationonline.com/products/>.
- c. Parents who participate by the on-line services do not need to ask the Court’s permission to do so.
- d. Video-conferencing or remote services are being offered by some of the providers that typically provide in-person classes. Those providers have been granted temporary approval to conduct parent education courses via web video conferencing.
- e. You can find a copy of the temporarily amended standing order at: <https://www.mass.gov/probate-and-family-court-rules/temporary-amendment-to-probate-and-family-court-standing-order-2-16>.

### **2. What should I do if I have questions about availability?**

You should contact approved providers directly regarding scheduling, availability, and registration. The list of approved Parent Education providers can be found at: <https://www.mass.gov/info-details/parent-education-programs>.

### **3. How can I find out which providers are offering services remotely?**

The list of approved providers includes the indication “Remote services available” when the provider has notified the Probate and Family Court of their capacity to do so. The list of approved Parent Education providers can be found at: <https://www.mass.gov/info-details/parent-education-programs>.

### **4. If I am required to attend parent education, what will I have to provide the Court to show I have completed the mandatory course?**

After completing the interactive program, you will obtain a Certificate of Attendance from the approved provider. You must give this certificate to the Court after completing the program.

### **5. What parent educations requirements have not changed?**

All provisions of Standing Order 2-16 remain in effect except those pertaining to the expanded availability of remote services.

### **6. Who can I contact at the Administrative Office of the Probate and Family Court if I have questions about parent education?**

You can contact Christine Yurgelun at: [christine.yurgelun@jud.state.ma.us](mailto:christine.yurgelun@jud.state.ma.us).

## **Fiduciary Litigation Session (FLS) FAQs**

### **1. I have a case currently with the FLS, what should I do if I have an emergency matter to be filed in that case?**

In the Fiduciary Litigation Session (FLS), the following are considered emergency matters:

- (a) Petitions/Motions seeking the appointment of a Special Personal Representative;
- (b) Requests for a civil temporary restraining order;
- (c) Contested Motions requiring a hearing where there are exceptional/exigent circumstances;
- (d) Contempt actions where there are exceptional/exigent circumstances; and
- (e) Any other matter not addressed above where exceptional/exigent circumstances have been demonstrated.

If you believe you have an emergency matter, you should email the FLS clerk at [flsession@jud.state.ma.us](mailto:flsession@jud.state.ma.us), and include the docket number and name of your case, and a short statement as to the nature of the emergency for (c), (d), and (e).

FLS staff will then contact you. If an emergency hearing is to be held, in most situations, the emergency hearing will be conducted by telephone or videoconference.

### **2. How do I file an emergency matter in an FLS case?**

While Standing Order 2-20 is in effect, the FLS will consider, on a case-by-case basis, requests to file pleadings and other documents by email. To do so, please email the FLS clerk at [flsession@jud.state.ma.us](mailto:flsession@jud.state.ma.us).

### **3. Who can I contact with questions about the FLS, including filing and fees?**

You can contact the FLS clerk at [flsession@jud.state.ma.us](mailto:flsession@jud.state.ma.us) with any questions.