

3/23/2020

Bristol County Probate and Family Court
Temporary Case Management Protocol

COURTHOUSE ACCESS- The Court remains closed to the Public. Fall River and New Bedford are closed to Public and Staff. Taunton has a skeleton staff and access to a Judge to handle emergency matters only. Emergency matters will be handled via telephonic hearing. See below for emergency matters.

FILINGS- All new filings shall be mailed to the Registry. No pleading can be filed at the front door.

Trials:

Trials scheduled to begin between March 16, 2020 and May 1, 2020 shall be continued. Counsel/parties will be contacted by the Court about rescheduling.

Trials in Progress:

Trials now in progress shall be conferenced telephonically on the next assigned trial date to determine future scheduling to conclude the trial.

Pre-Trial Conferences, Status Conferences, Case Management Conferences, Settlement Conferences:

1. No Pre-Trial, Status, Case Management or Settlement Conferences will be scheduled until after May 1, 2020.
2. Conferences scheduled before May 1, 2020 will be rescheduled unless a telephone conference or videoconference hearing is requested and approved as provided herein.

Contempts:

1. Summonses will be issued for newly filed Contempts. Hearing dates will be scheduled for after May 1, 2020.
2. Contempts scheduled for hearing between March 18, 2020 and May 1, 2020 shall be rescheduled by the Court to the first available date after May 1, 2020.

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

Motions:

1. No non-emergency motions will be scheduled before May 1, 2020.
2. 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 supporting Affidavit of the moving party.
 - b. a Memorandum in opposition stating the reasons that the Motion should not be allowed, and the supporting Affidavit of the opposing party.
 - c. Updated and signed financial statements shall be filed with the Court in advance or via email to the Session Clerk for the assigned Judge.
 - 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.

N.B. NO ACTION WILL BE TAKEN ON ANY CASE UNLESS A RETURN OF SERVICE WITH GOOD AND PROPER SERVICE IS ON FILE WITH THE COURT.

Ex Parte/Emergency Motions:

1. Ex Parte Motions shall be screened administratively by the Court to determine whether an emergency exists pursuant to the Standing Order 2-20. The moving party shall file an affidavit outlining the exigent circumstances that they allege. (Form attached). Emergency affidavits can be obtained and presented to security at the front door in Taunton. The affidavit will then be screened by a judge. If the matter is deemed an emergency, the appropriate pleadings shall then be presented to security at the front door by the litigant. This is the only exception for filings. If the matter is screened out as a non-emergency, the appropriate pleadings shall be mailed to the Registry for processing in the usual course.
2. If the matter is deemed to require an immediate hearing, the Court will decide the time, place and manner of the hearing. It may be conducted that day via telephone or otherwise scheduled by the Court. There will be no in-person hearings.

209A Abuse Prevention Orders:

209A Abuse Prevention Orders shall be handled telephonically pursuant to Standing Order 2-20. Reviews of orders currently in effect will be held telephonically on the regular return day provided that updated telephone numbers are on file. Some 209A orders have been extended *sua sponte* due to the circumstances of some cases.

Uncontested Matters:

Scheduled matters that are uncontested may be resolved administratively, or by telephone.

Telephone Conference:

A request for a telephonic hearing on a non-emergency matter already scheduled for hearing before April 30, 2020 shall be made in writing addressed to the Sessions Clerk assisting the Judge before whom the case has been scheduled stating in the subject line "Telephonic Hearing Request". If permitted, the telephonic hearing will be scheduled on a date and time available to the Court.

Staff has been divided into teams as follows:

J. Field- Irene Jusseaume, Camille Chang and Mary Martel
J. McMahon- Michael J. Taylor, Miriam Babin and Linda Andrade
J. Smola- Debra Kravitz, Christopher Carey, Florentina Kitchen
J. Jacobs-Tricia Poole, Sarah Serpa, and Diane Beaulieu

All staffing teams are subject to change.

Parent Education Programs/GAL Investigations

See mass.gov/court for updates regarding the requirements of PEP and extensions of appointments.

**ALL OF THE ABOVE IS SUBJECT TO CHANGE
AS CIRCUMSTANCES WARRANT**