

BARNSTABLE PROBATE AND FAMILY COURT
MARCH 18, 2020

IMPLEMENTATION OF STANDING ORDER 2-20

**COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19**

The intent and purpose of SO 2-20 is to close the court to the public except for emergencies until at least May 1, 2020 due to the Coronavirus.

The following protocols are implemented forthwith by Judge Arthur Ryley and Register Anastasia Welsh Perrino.

- a. Access to the Court: Commencing March 18, 2020, the Court is closed except for emergencies. There will be one Judge available from 8:30AM to 4:30PM Monday through Friday to hear emergency cases by telephone, and in person if deemed necessary by the Judge. There will be a limited “skeleton” crew available each day. Unless otherwise specified in SO 2-20 an emergency matter is one where there is credible evidence of an immediate danger to the health, safety or welfare of a child or the Petitioner. Any person who arrives at the courthouse alleging they have an emergency situation will be given a telephone number to call for further instructions. The phone call will be forwarded to JCM Mike Stevens or AJCM Lisa MacKenzie (“screeners”) who will determine whether or not an emergency exists requiring immediate action. If such a determination is made the caller will be provided with appropriate forms to fill out. Once the forms are filled out they will be provided to the assigned Judge who may rule on the matter administratively or mark the matter for immediate telephonic hearing. If the screener determines that no emergency exists then the paperwork shall be filed in the ordinary course.

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.

- b. Telephonic/Videoconference, “Virtual Hearing” : JCM Mike Stevens in consultation with both Judges and Register Perrino shall develop a protocol for conducting telephonic/videoconference hearings. Commencing March 18, 2020 whenever possible and practicable the Court will conduct hearing by telephone or video conference. Our preference is to conduct hearings by telephone.

c. Continuances of scheduled events:

All scheduled events shall be continued to a date after May 1, 2020 unless they are otherwise identified in Sections "B" and "E" of SO 2-20. All trials that have yet to begin shall be continued to a date after May 1, 2020. If a trial has already commenced it shall left to the sound discretion of the trial Judge to set a new date for further hearing.

Upon showing of exigent circumstances a party whose trial or evidentiary hearing has been continued pursuant to SO 2-20 may seek an exception from the rule by motion which shall be ruled upon administratively or by telephone hearing.

Where a trial or any evidentiary hearing is postponed as a result of the Standing Order, the parties may seek a conference with the court to address matters arising from postponement, which shall be conducted by telephone.

Karen Wehner shall be primarily responsible for continuing trial dates and other court events under SO 2-20, with assistance from Deb Nardone and Deb Burke and additional members of the judicial staff as needed.

All cases scheduled for Pre Trial Conference between March 18, 2020 and May 1 shall be continued to a date after May 1, 2020.

d. New Filings:

Except where matters are deemed essential and necessitate immediate court action, all parties shall file new matters by mail or E-filing where available. Filings will be docketed, but in no event shall be scheduled before May 1, 2020.

e. Please see SO 2-20 paragraph E for a list of specific actions/case types which have been identified as emergency matters which may be filed and shall be heard, unless the Court requires notice.

f. Lawyer of the Day: The Lawyer of the day office has been closed until further notice in the Barnstable Probate and Family Court.

g. Extension of Orders:

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 JCM Stevens or AJCM MacKenzie. A party may seek to bring the matter forward for good cause upon a demonstration of exigent circumstances. 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.

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 JCM Stevens or AJCM MacKenzie. A party may seek to bring the matter forward for good cause upon a demonstration of exigent circumstances. 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.

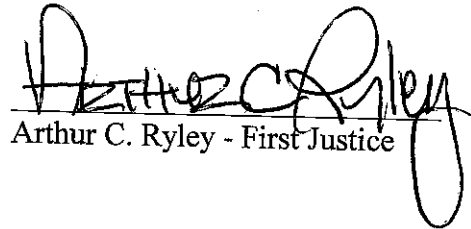
Sua Sponte custody orders that expire between March 18, 2020 and May 1, 2020 shall be extended 45 days from the expiration date unless a party seeks to bring the matter forward for good cause upon a demonstration of exigent circumstances. If such a request is made it shall be forwarded to the appropriate Judge who may act on the matter administratively or mark it for hearing.

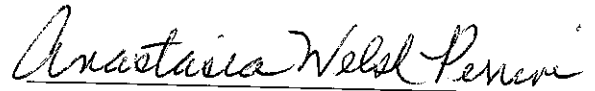
All orders that were issued prior to the Standing Order and after an adversarial hearing (or the opportunity for an adversarial hearing) that are due to expire prior to April 21, 2020, shall remain in effect until the matter is rescheduled and heard.

- h. Informal Probate and Administration Magistrate Walk-In Session : This session which is normally held on Thursdays from 9:00 a.m. until 11:00 a.m. in the Registry is cancelled until further notice. We encourage the Lawyers and the Public to E-file these matters or mail them to the Court. These will not be accepted person until further Notice.
- i. Notice to Bar: Register Perrino shall be responsible for getting notice to the Lawyers and to the Bar Association of protocols developed by this Court pursuant to SO~~1~~-20.
- j. Programs and Orders
 - 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.

March 18, 2020


Arthur C. Ryley - First Justice


Anastasia Welsh Perrino - Register