**EMERGENCY PROTOCOL[[1]](#footnote-1)**

**BERKSHIRE PROBATE AND FAMILY COURT**

1. **REGISTRY**
   1. With the agreement of the First Justice of the District Court, all 209A matters shall be referred to the District Court on-call Judge.
   2. The following emergency contact information shall be prominently placed on the entry door of the building.
      1. Emergency phone number: (413) 442-6941, extension 7200. Emergency email address: [berkshireprobate@jud.state.ma.us](mailto:berkshireprobate@jud.state.ma.us)
   3. Any member of the “Team”[[2]](#footnote-2) shall access both the Registry phone messages and emails regularly throughout the closure to triage the emergencies as outlined in Standing Order 2-20..
   4. Whenever possible, a member of the Team shall work with the litigant or attorney to complete the appropriate paperwork online and email it to [berkshireprobate@jud.state.ma.us](mailto:berkshireprobate@jud.state.ma.us) or if available, to e-file the paperwork. If the person is unable to do this, the Team member shall ask the litigant to make the request in writing in an email and send it to [berkshireprobate@jud.state.ma.us](mailto:berkshireprobate@jud.state.ma.us) In the event the person has no access to email, the Team member shall assist the litigant by filling out the necessary paperwork over the phone.
   5. The Team member shall ensure that the following information is gleaned from the litigant and/or Masscourts:
      * 1. Names, phone numbers, email addresses and residential addresses of both the moving party and the adverse party;
        2. Where appropriate identifying information in order to run a CARI: dates of birth, mother’s maiden name; social security numbers
        3. Docket number of any open or closed case involving the parties;
        4. If the case is open, what is the status of the case, including the last Order and the next scheduled date;
        5. The terms and dates of any existing Order;
        6. Whether or not there is an active 209A Order in existence between the parties; and
        7. Whether or not DCF is involved with the family.
      1. The moving party shall be told to follow through with filing original documents for later filing and docketing.
   6. Team member shall determine procedurally, in conjunction with the Judge, whether the case shall go forward with or without notice. If the case is going to proceed without notice, the Team member shall contact Chief Probation Officer, Amy Koenig.
   7. If Probation is able to resolve the matter with an agreement and it would be beneficial to have the parties’ agreement become an Order, Probation shall contact the Team member, who in turn will contact Judge Simons.
   8. Amy shall request from one of her colleagues that CARIs be run for the parties. If DCF is involved, Amy shall arrange with DCF to have the appropriate social worker available to testify in the emergency hearing. Amy shall ensure the CARI information and DCF contact information is forwarded to the Team member.
   9. Prior to any hearing, all information, including the moving parties’ telephone number, the opposing parties’ telephone number, DCF contact information, CARI information, and any pleadings/emails shall be forwarded to Judge Simons at [richard.simons@jud.state.ma.us](mailto:richard.simons@jud.state.ma.us) Judge Simons can be contacted by phone.
   10. If Judge Simons deems the matter to be an emergency requiring a hearing, all reasonable attempts shall be made to conduct a telephonic hearing. The Team member shall communicate the conference line number to the litigants, attorneys, Probation and DCF and instruct them to call at a designated time. Judge Simons shall ensure the hearing is recorded using the portable ZOOM H4nPro Recorder. This recording shall later be transferred to FTR when practical. Judge Simons shall administer an oath to all parties who testify.
   11. The Team member shall assist the Judge with processing any resulting Order. The Order shall be saved and distributed as an un-editable PDF and the typed signature of the Judge shall suffice for the entry of the Order until such time as the Order may be signed and docketed.
   12. At no time shall the private contact information for any Registry, judicial or Probation staff be disclosed to any litigant, attorney or other individual.
2. **EMERGENCY JUDGE**
   1. In absence of unforeseen circumstances, Judge Richard A. Simons shall be the emergency judge for the Berkshire Division.

Dated: March 31, 2020

1. To be implemented when the facility has been temporarily closed. [↑](#footnote-ref-1)
2. The Team consists of Register Fran Marinaro, Asst Register Clem Ferris, JCM Lisa McCormack and Office Manager, Tony Patella. The Team will have its own system of rotating responsibilities. [↑](#footnote-ref-2)