

FRANKLIN DIVISION POLICY REGARDING EMAIL FILING

To: All court users
Effective date: July 12, 2021

Standing Order 1-21, which takes effect on July 12, 2021, provides that pleadings may be filed by US mail, in person, or by e-filing where available. It further provides that pleadings will be accepted by email when they are filed by Court Service Center staff or where authorized by the Supreme Judicial Court or Executive Office of the Trial Court. The order notes that other email filings may be allowed at the discretion of each Register of Probate.

Therefore, in order to promote the orderly, efficient and secure processing of pleadings and to ensure the integrity of the record while providing access to justice, the following policy shall govern email filings in this division:

- In addition to the pleadings designated in the standing order, the Register of Probate or his designee shall only accept pleadings for filing by email in the following circumstances:
 - A. exigent circumstances exist related to the health, safety or welfare of a party or child as determined by the Register of Probate or his designee;
 - B. filing by mail or in person is not feasible as determined by the Register of Probate or his designee; and
 - C. the documents cannot be e-filed.
- If the above circumstances have been met, the Register of Probate or his designee shall only accept pleadings by email in the following categories:
 1. complaints and/or motions related to custody or parenting time;
 2. petitions for guardianship of a minor with an accompanying motion for the appointment of a temporary guardian; or
 3. applications for abuse prevention orders or other protective order.

- If a motion for short order of notice has been granted, an appearance of counsel and/or any opposition to the motion may be accepted by email if circumstances B and C above apply.
- The court will continue to accept joint motions to continue by email as it has been the long-standing practice of this division to permit joint motions to continue to be filed by fax and filing by email is more secure and reliable than by fax.
- The judge may order, either orally or a written order, a pleading to be filed by email and, if so, you should do so in the manner directed.

If possible, filing by mail, hand delivery or e-file is the preferred method of filing. Any request to file by email should be directed to franklinprobate@jud.state.ma.us and the subject line should include "request to file by email."

Once you have filed using any one method (mail, hand deliver, e-filing, or, if authorized, email), do not file the same documents again by filing in another manner.

All filers should note that e-filed documents can take up to 3-6 business hours to process and may not be immediately available to the judge; please plan accordingly.

John Merrigan, Register of Probate