

MEMORANDUM

To: Interested parties

From: The Honorable Robert A. Mulligan, Chief Justice for Administration and Management
The Honorable Paula M. Carey, Chief Justice, Probate and Family Court Department
The Honorable Lynda M. Connolly, Chief Justice, District Court Department

Date: April 29, 2009

Re: Notice of Pilot Program at the Norfolk Division of the Probate and Family Court Department and for the Interdepartmental Transfer of Certain Abuse Prevention Proceedings

Effective May 4, 2009, a pilot program will commence in the Norfolk Division of the Probate and Family Court for the interdepartmental transfer of certain abuse prevention proceedings. Pursuant to this pilot program, when the parties to a domestic relations case pending in the Norfolk Probate and Family Court are also parties to a pending abuse prevention action in a division of the District Court in Norfolk County, a judge of the Norfolk Division of the Probate and Family Court may order the action pending in the District Court to be formally transferred to the Norfolk Probate and Family Court. Upon such transfer, District Court jurisdiction of the pending abuse prevention order will terminate and the action will proceed in the Norfolk Division of the Probate and Family Court as if the action had originated there.

The pilot program is intended to both address the burden imposed on parties by having related cases simultaneously pending in different court departments and to improve the efficiency of the handling and processing of these important cases. Please see the commentary which accompanies the order for further discussion of the purposes of this pilot program. The procedure under this Administrative Order and Trial Court Rule XII will be the only means by which an abuse prevention order may be transferred between a District Court in Norfolk County and the Norfolk Probate and Family Court.

Highlights of the program

- The pilot will take place in the Norfolk Probate and Family Court and the District Courts located in Norfolk County.
- The transfer can be initiated by motion by either a party or *sua sponte* by the Probate and Family Court judge.
- The parties will have an opportunity to be heard on the question of transfer.
- The pilot will be for a year.
- The pilot will be reviewed after six months by the Chief Justices of the Probate and Family Court and the District Court to determine whether any modifications in the procedure are warranted and to determine whether to recommend to the Chief Justice for Administration and Management expansion of the pilot.

A copy of the Order is attached. Questions or comments relating to the operation of this Pilot Program should be directed to either Ilene Mitchell of the Administrative Office of the Probate and Family Court, (617) 788-6600 or Ellen S. Shapiro of the Administrative Office of the District Court, (617) 788-8810.