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PROBATE AND FAMILY COURT RULES

Standing order

Probate and Family Court Standing Order 2-16: Parent Education Program attendance

EFFECTIVE DATE:

03/24/2020

UPDATES:

Temporarily amended on March 24, 2020 (https://www.mass.gov/media/2111856/download)

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Temporary amendment to Standing Order 2-16

In light of COVID-19, effective immediately, and until further notice, this Temporary Amendment to Standing Order 2-16 supersedes Section H (1) of the Probate and Family Court Standing Order 2-20 and conflicting provisions of Probate and Family Court Standing Order 2-16 "Parent Education Program Attendance":

1. Whenever practical and possible, an approved parent education provider may facilitate a parent's "virtual" attendance at a parent education session by videoconference. The approved parent education provider, if electing to do so, is granted temporary approval to conduct parent education courses via web video conferencing, using options such as Zoom and Skype.
2. Parents may also satisfy the parent education attendance requirement by completing the 5-hour DVD or online program entitled KidCare for Co-Parents: An Educational Program for Divorcing Families.
3. Parents electing to complete the mandatory parent education requirement by participating via web video conferencing or by KidCare for Co-Parents: An Educational Program for Divorcing Families DVD or online program do not need to obtain the Court's permission.
4. All other provisions of Standing Order 2-16 not affected by this Notice remain in place.
5. Lists of currently approved programs, including KidCare for Co-Parents: An Educational Program for Divorcing Families are available at: **https://www.mass.gov/info-details/parent-education-programs** (/info-details/parent-education-programs). Parents should contact approved programs directly regarding availability and registration.

Standing order

This Court finds that the best interests of the minor children of parties appearing before it would be well served by educating their parents about children's emotional needs and the effects of divorce on child behavior and development.

IT IS HEREBY ORDERED THAT:

1.

All parties to a divorce action in which there are minor children are ordered to attend and participate in an approved Parent Education Program. In addition, a judge, in his or her discretion, of this Court may require

the parties in an action to establish paternity, complaints for modification or contempt, or in any other case involving parenting time, custody, or support of minor children to attend a Parent Education Program.

2.

All parties to a divorce action in which there are minor children must register with an approved program within thirty (30) days of service of the original complaint upon the original defendant. Other parties ordered to attend a parent education program must register for a program within thirty (30) days of the order. Sanctions for failure to register or complete a program may be imposed by the Court. Upon registering for a program, parties shall complete the "**Affidavit Confirming Registration at Parent Education Program** (/guides/probate-and-family-court-forms) " and file with the Court.

3.

For divorcing parents, and parents in other cases when specifically ordered by the Court, attendance at a program is mandatory unless waived. Parties must file their Certificates of Attendance with the Court no later than thirty (30) days after completing the program.

4.

If a party seeks to waive attendance at a Parent Education Program, the party must file a "**Motion to Waive Attendance at a Parent Education Program** (/guides/probate-and-family-court-forms)" with notice to the other party. The motion must include the reason the party is alleged to be unable to attend a Parent Education Program. Waivers may be granted upon a demonstrable showing of: chronic and severe violence which negates safe parental communication; language barriers; institutionalization or other unavailability of a party; or where justice otherwise indicates. The Court may elect to deny the "Motion to Waive Attendance at a Parent Education Program" and may, instead, permit use of a five-hour DVD or online program entitled *KidCare for Co-Parents: An Educational Program for Divorcing Families* to satisfy the Parent Education Program requirement. Waiver for one parent does not automatically apply to the other parent.

5.

If a party is not able to attend an in person Parent Education Program, the party may file, with notice, a "**Motion to Permit Completion of Parent Education Program via DVD** (/guides/probate-and-family-court-forms)". The motion must include the reason the party is alleged to be unable to attend a Parent Education Program in person. Approval to participate in a Parent Education Program through use of the DVD or online program may be granted upon a demonstrable showing of: significant health or financial issues, significant geographic and transportation issues, or other significant barriers to in person participation; or where justice otherwise indicates. If allowed, the party must complete the interactive program and obtain the Certificate of Attendance. This Certificate must be provided by the party to the Court no later than 30

days after completion of the program. Approval for one parent does not automatically apply to the other parent.

6.

Unless the Court orders otherwise, the parties must attend programs currently approved by the Chief Justice of the Probate and Family Court. Program vendors will ensure that parties to an action do not attend the same session of any program unless the Court orders otherwise. Lists of currently approved programs (including *KidCare for Co-Parents: An Educational Program for Divorcing Families*) are available at https://www.mass.gov/parent-education.

7.

A copy of this Standing Order shall be provided by the Registry to the plaintiff or his/her attorney upon the filing of a complaint for divorce involving minor children. The plaintiff or his/her attorney shall serve a copy of this Standing Order along with the complaint and summons to the person authorized to make service pursuant to **Mass.R.Dom.Rel.P. 4(c)** (/rules-of-domestic-relations-procedure/domestic-relations-procedure-rule-4-process).

8.

The parties shall each pay $ 80.00 to the provider in advance of the program to offset cost of materials, facilitators, and program administration. The same fee applies to participation via DVD or online in the program entitled *KidCare for Co-Parents: An Educational Program for Divorcing Families.*

9.

If a party is unable to afford the $80.00 course fee, the party may be eligible to pay a reduced fee of $5.00 to the provider. The party must submit to the Court an "**Affidavit of indigency** (/doc/affidavit-of-indigency/download)." This form is promulgated by the Chief Justice of the Supreme Judicial Court pursuant to **G.L. c. 261 sec. 27B** (https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleVI/Chapter261/Section27B) and is available on the Court's website (**mass.gov/courts** (/orgs/massachusetts-court-system)) and at the Registries of the Probate and Family Court. If the waiver of the fee is allowed by the Court, the party must submit a copy of the approved waiver to the Parent Education provider when seeking to attend a program for the $ 5.00 reduced fee.

10.

An uncontested divorce hearing may be scheduled pending attendance if the parties file an affidavit confirming their registration with the Court and so long as both parties complete the program prior to the

hearing. A Pre-trial Conference in a contested case may be similarly scheduled so long as the parties complete the program prior to the Pre-trial Conference. No Trial will be held by the Court until the Court receives a Certificate of Attendance from an approved program for each party, or waives the requirement.

Changes enumerated in this Standing Order are effective as of **May 1, 2016** and shall apply to all cases referenced in paragraph (1) filed thereafter.

Downloads

Probate and Family Court Standing Order 2-16: Parent education program attendance
(https://www.mass.gov/doc/probate-and-family-court-standing-order-2-16-parent-education-program-attendance/download)
(PDF 91.98 KB)

Temporary Amendment to Standing Order 2-16 – Parent Education Program Attendance
(https://www.mass.gov/doc/temporary-amendment-to-standing-order-2-16-parent-education-program-attendance/download)
(PDF 350.39 KB)

UPDATES:

Temporarily amended on March 24, 2020 (https://www.mass.gov/media/2111856/download)

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