

# A Guide to Virtual Hearings for Self Represented Litigants in Family Law Matters

## *What is a virtual hearing?*

- Because of COVID-19, the courts must limit the number of people appearing in person in the courthouses. The court can help more people resolve their issues by offering some people the opportunity to have a virtual hearing.
- A virtual hearing is a court hearing where the judge will listen to the parties either on the phone or by video (Zoom).
- The judge will hear the evidence from each side and make a decision on the case, just as they would in the courthouse.
- Para obtener información sobre el testamento y el tribunal de familia en español, acceda a la siguiente dirección web: <https://www.mass.gov/guides/preguntas-frecuentes-del-tribunal-de-asuntos-de-familia-testamentos-y-sucesiones>

## *How do I know if I have a virtual hearing?*

- The Courts are conducting remote hearings for emergency matters and all non-emergency matters that can be heard remotely.
- The Court will notify you if a hearing is scheduled in your matter. This notice typical comes in the mail. It is important the Court has your correct mailing address.
- Please note that the Court may call you from a blocked number or setup a Zoom video conference.

## *How do I prepare for a virtual hearing?*

- Make sure the court knows how to communicate with you and whether or not you can participate in a video hearing. The Court will notify you if your hearing will be held remotely. Give the best phone number for the Court to reach you and your email address before the hearing. You can find the email address and phone number for the court here: [https://www.mass.gov/orgs/probate-and-family-court/locations?\\_page=1](https://www.mass.gov/orgs/probate-and-family-court/locations?_page=1)
- Make sure the court knows right away if you have limited minutes on your phone, you need an interpreter, you are hard of hearing, or you have trouble seeing.
- Submit any documents you need to file with the court ahead of time.

- ◇ You may need to communicate with the Clerk's office to find out how.
- ◇ Many courts will accept emails with scanned copies, but if you have to mail it in, allow plenty of time for it to reach the court – at least 10 days.

Email is the best way to send something to the Court. If you cannot email your documents, you can mail a copy to the Court. But mail is not as good as email:

US mail is slower during the pandemic. Send your mail early so the post office has time to deliver it to the Court. If you wait too long, the Court might not get your mail until it's too late.



- ◇ Sometimes the courthouse has to shut down with no warning because of the virus. The court cannot receive mail when the courthouse is closed.
- ◇ Think about all of the documents that you might need the judge to see.
- ◇ In an in-person hearing, you have a chance to hand documents to the judge. In a phone or Zoom hearing, you need to think about all the documents you may need so you can send them to the court **before** your hearing and then refer to them **during** the hearing.
- ◇ Remember: anything you give to the Court, you also have to give a copy to the other side.

You can do this over email as well.

- If you have a smart phone or computer with video/mic you should download the Zoom app well ahead of the court hearing date.
- Check your emails regularly because the court is likely to send you important information via email.
- Starting checking the <https://www.mass.gov/orgs/probate-and-family-court> website a few days before your hearing in case there's information that might affect your hearing.
- Make notes about the most important things you want the judge to know.
  - ◇ You may not get to say everything on your mind, so you want to make sure you talk about the most important things first.
- Have all your documents together and ready with you at the time of your hearing.
- Be ready on time! Your hearing may start promptly on time, so be logged on/calling in just before the start time so you're ready to go.
- Be flexible – your hearing may not take place exactly at the time it was scheduled.
- Be aware that sometimes the Court has to close unexpectedly and without warning because of COVID exposure. You can see which courts are open here: <https://www.mass.gov/info-details/courthouse-closures-due-to-covid-19>
- If you are unsure how to file a document or picture or are having problems filing a document or a picture call the court right away. You can also call the Court Service Centers, Court Libraries, or Court helpline for assistance if they have documents they need to file and cannot. All of those numbers or websites are listed at the end of this guide.

### *What do I need to know for my virtual hearing?*

- Virtual hearings pick up a lot of background noise and this can be distracting for the judge.
  - ◇ Try to go to someplace quiet for your hearing.
  - ◇ Keep children and pets in another room, if possible.
  - ◇ Turn off TVs, radios, and any other background noise, if possible.
  - ◇ Do not have any other people around who may want to talk to you.
  - ◇ Keep your line on mute when you are not talking. Remember to unmute yourself just before you talk.
- Look around at what will be behind you on the video.
  - ◇ Remember everyone else can see what's around and behind you.
  - ◇ If possible, have a plain wall behind you.



- Make sure your phone is charged.
  - ◇ Keep a charger cord handy and be near a plug if your battery goes down quickly.
- If you have a limited number of minutes, make sure you have at least one hour (60 minutes) available.
- Remember this is still a court hearing, not just a meeting
  - ◇ Be respectful of the judge and the other party
  - ◇ Dress appropriately, as if you were going into the courthouse
- It is very hard for the judge to hear when more than one person is speaking at a time.
  - ◇ Wait until others have stopped speaking before speaking yourself.
  - ◇ If the judge invites someone else to speak, let them finish before you ask to respond.
- You may have to wait a while to speak, keep a notebook handy to write down things you want to say so you don't forget them when it's your turn to speak.
- Do not record the virtual hearing yourself. The court will keep a recording of the hearing in case there needs to be an appeal.
- At the end of the hearing the judge will say what will happen next. Do not hang up until the judge says the hearing is over. Most people will get the judge's decision by regular mail.

### *Where can I go for more helpful information?*

- The court has some helpful information here: <https://www.mass.gov/info-details/frequently-asked-questions-about-court-procedures-during-the-covid-19-pandemic>
- If you have questions about your case, you can contact the Clerk's office or the Register's for the Probate and Family Court where your case was filed. Contact information can be found at <https://www.mass.gov/guides/court-department-emails>. If you cannot reach a Clerk's Office or a Registers Office, contact the Trial Court Help Line at 833-9ICOURT (9126878).
- You can also get additional help with your case at the Court Service Center, the locations and contact information can be found at <https://www.mass.gov/info-details/learn-about-court-service-centers>
- You can also call a law librarian for help with research on your case at (800) 445-8989
- You may be able to get some of your legal questions answered at Mass Legal Answers Online: <https://mass.freelegalanswers.org>
- If you would like to see if you qualify for a free or reduced cost lawyer to help you check this website: <https://www.masslegalservices.org/findlegalaid>

### *What do I do if I don't have internet?*

If you do not currently have internet service at home and you are a low-income household, you may qualify for free or discounted internet:

- Comcast may be contacted at 1-800-COMCAST or visit [https://www.internetessentials.com/covid19#thingstoknow&all\\_AmIeligibleforIE](https://www.internetessentials.com/covid19#thingstoknow&all_AmIeligibleforIE)



- Verizon may be contacted at 1-800-VERIZON or visit <https://www.verizon.com/info/low-income-internet/>.
- RCN may be contacted at 1-800-746-4726 or visit <https://www.internetfirst.com/>.
- Charter-Spectrum may be contacted at 1-844-488-8395.
- Starry may be contacted at 1-888-231-9403 or visit <https://starry.com/starryconnect>.
- You may also contact your mobile phone provider regarding high-speed data packages including hot-spot connectivity.

*These guides were created in collaboration with the Massachusetts Access to Justice Commission.*

