

**Commonwealth of Massachusetts  
The Trial Court  
Juvenile Court Department**

**Interim Uniform Practice 01-10  
Procedures for the Use of Juvenile Court  
Videoconferencing Equipment**

1. **Purpose.** The purpose of this uniform practice is to establish procedures for the use of Juvenile Court videoconferencing equipment.
2. **Definitions.** “Videoconferencing”, using a set of interactive telecommunication technologies, which allow two or more locations to interact via video and audio transmission simultaneously. “Remote Site”, location from which a party or witness is appearing via videoconferencing.
3. **Use of Juvenile Court Videoconferencing Equipment in Juvenile Court.** Upon the written motion of any party to a proceeding in Juvenile Court, a Juvenile Court judge may allow the use of videoconferencing at any stage of the proceeding, subject to the procedures set forth in this Interim Uniform Practice. Any party seeking to use videoconferencing at a court event shall file a written motion with the court thirty (30) calendar days prior to the scheduled date of the court event at which the party is seeking to use videoconferencing. The moving party shall serve all other parties with a copy of any motion filed under this procedure. Any party may file a written objection to the motion within seven (7) calendar days after the filing of the motion and such party shall serve all other parties with a copy of said objection. A Juvenile Court judge in the exercise of discretion may waive the time period for filing said motion and any objection thereto for good cause.

A Juvenile Court judge may at any time during a proceeding recommend the use of videoconferencing to the parties to further judicial efficiency. In a criminal trial, if the prosecution files a motion for the use of videoconferencing for the appearance of a defendant or a witness and the defendant has not assented to the motion, the court shall deny the prosecution’s motion as to the defendant, and deny the prosecution’s motion as to the witness, unless the prosecution shows that the appearance of the witness in the courtroom creates a security or health risk to the defendant, witness or participants in the proceeding which cannot be addressed by the application of reasonable procedures which alleviate the security or health risk.

4. **Affidavits.** The moving party shall file an affidavit in support of the motion and any party may file an affidavit in support of any objection to the motion. The judge may rule on a motion filed pursuant to this Interim Uniform Practice on the basis of facts alleged in the affidavits without further hearing.
5. **Criteria Considered by the Judge When Ruling on the Motion.** In determining whether a motion seeking the use of videoconferencing in a proceeding shall be allowed,

a Juvenile Court judge shall consider the following, if applicable: (1) whether the party filing the motion is unable, after a diligent effort, to procure the physical presence of a party or witness in the courtroom, (2) whether full and effective cross-examination can occur, especially when the cross-examination may involve documents or other exhibits, (3) whether there is sufficient control of the proceedings at the remote site so as to effectively extend the courtroom to the remote site, (4) whether transporting the person proposed to appear by videoconferencing to the courtroom presents a significant security or health risk, (5) whether security would be required and available at the remote site to commit to videoconferencing on the date(s) and time requested in the motion, (6) the cost of producing a witness in person in relation to the importance of the offered testimony, (7) the convenience of the parties and the proposed witness, and (8) any other factors that the court may determine to be relevant. Any order issued pursuant to this procedure is subject to (a) the ability to compatibly utilize the videoconferencing equipment between the court and the remote site, (b) the operational needs of the remote site, and (c) the cost to the court to utilize said equipment.

6. **Coordination with the Remote Site When the Remote Site is a Juvenile Court Location.** Prior to filing said written motion, the moving party shall contact the Office of the Clerk-Magistrate for the Juvenile Court where the motion is to be filed and obtain, complete and submit a "Videoconferencing Availability Form" which will be forwarded to the videoconferencing liaison at that site. The form will request the videoconferencing liaison to provide the following information: (1) whether the videoconferencing equipment will be available at the court where the motion is to be filed and at the remote site on the date(s) and time to be requested in the motion, (2) whether there is a room or courtroom at the court where the motion is to be filed and at the remote site which is compatible and available to utilize the equipment on the requested date(s) and time, and (3) whether the videoconferencing liaison, or other designated contact person, at the court where the motion is to be filed and at the remote site will be available on the requested date(s) and time to ensure that the equipment is operational and that it is being properly utilized. The videoconferencing liaison for the court where the motion is to be filed shall contact the videoconferencing liaison for the remote site to obtain the requested information. If the videoconferencing equipment, room or courtroom and contact person are available in both locations, the videoconferencing liaisons at both locations will note in their records that a request to use the equipment is pending. The videoconferencing liaison for the court where the motion is to be filed shall return the completed "Videoconferencing Availability Form" marked either "Available" or "Not Available" to the Office of the Clerk-Magistrate who shall contact and provide the same to the moving party. A copy of the completed "Videoconferencing Availability Form" shall be included as an attachment to the motion. The videoconferencing liaison shall keep a copy of the "Videoconferencing Availability Form" in their records.
  
7. **Coordination with the Remote Site When the Remote Site is Not a Juvenile Court Location.** Prior to filing said written motion, the moving party shall contact the Office of the Clerk-Magistrate for the Juvenile Court where the motion is to be filed and obtain, complete and submit a "Videoconferencing Availability Form" which will be forwarded to

the videoconferencing liaison. The form will request the videoconferencing liaison to provide the following information: (1) whether the videoconferencing equipment will be available at the court where the motion is to be filed on the date(s) and time to be requested in the motion, (2) whether there is a room or courtroom at the court where the motion is to be filed which is compatible and available to utilize the equipment on the requested date(s) and time, and (3) whether the videoconferencing liaison, or other designated contact person, at the court where the motion is to be filed will be available on the requested date(s) and time to ensure that the equipment is operational and that it is being properly utilized. If the videoconferencing equipment, room or courtroom and contact person is available in the Juvenile Court where the motion is to be filed, the videoconferencing liaison will note in their records that a request to use the equipment is pending. The videoconferencing liaison for the court where the motion is to be filed shall return the completed "Videoconferencing Availability Form" to the Office of the Clerk-Magistrate who shall contact and provide the same to the moving party. A copy of the completed "Videoconferencing Availability Form" shall be included as an attachment to the motion. The videoconferencing liaison shall keep a copy of the "Videoconferencing Availability Form" in their records.

The moving party shall also contact the individual who is responsible for the videoconferencing equipment at the remote site which is not a Juvenile Court location to determine the following information: (1) whether the videoconferencing equipment at the remote site is compatible with the videoconferencing equipment utilized by the Juvenile Court, (2) whether said equipment will be available at the remote site on the date(s) and time requested in the motion, (3) whether there is a room at the remote site which is compatible and available to utilize the equipment on the requested date(s) and time, and (4) whether a designated contact person at the remote site will be available on the requested date(s) and time to ensure that the equipment is operational and that it is being properly utilized. Said information shall be included and affirmatively stated in the affidavit attached to the motion along with the name and contact information of the individual at the remote site who will be responsible for ensuring that the equipment is available and operational on the requested date(s) and time.

8. **Communications between Courtroom and Remote Site.** When a party or witness appears via videoconference in a proceeding, the court shall confirm that all participants are able to hear, see and communicate with each other as well as view any physical evidence or exhibits to be presented prior to the start of the proceeding. Copies of documents may be transmitted at the direction of the court between the courtroom and the remote site.
9. **Videoconferencing Liaison; Scheduling the Use of Videoconferencing Equipment in Courtroom Proceedings.** Each court location with videoconferencing equipment shall designate a person to act as a videoconferencing liaison. The videoconferencing liaison shall be responsible for (1) scheduling the use of videoconferencing equipment, (2) contacting the videoconferencing liaison for remote sites in other Juvenile Courts to obtain information, (3) completion of "Videoconferencing Availability Forms," (4) maintaining records of pending requests, (5) compiling the monthly report, (6) ensuring that the

equipment is operational and being properly utilized on those dates and time scheduled for use, and (7) providing technical guidance for the use of the videoconferencing equipment. The videoconferencing liaison shall schedule the use of videoconferencing equipment in a Juvenile Court proceeding only upon the filing of a motion approved by the court allowing for the use of videoconferencing pursuant to section 3 of this Interim Uniform Practice. Scheduling shall normally occur in the order in which requests are submitted to the videoconferencing liaison. Priority shall be given to emergency hearings and hearings which must occur within a limited specified period of time, such as temporary custody hearings. The Office of the Clerk-Magistrate shall notify the videoconferencing liaison when a motion has been allowed or denied by a judge and the videoconferencing liaison shall note the court action in their records.

**10. Use of Videoconferencing Equipment for Juvenile Court Meetings or Trainings.**

Juvenile Court personnel may use videoconferencing equipment for meetings or trainings. Requests for the use of videoconferencing equipment for meetings or trainings must be submitted to the videoconferencing liaison with a copy to the First Justice of the respective division(s) no later than ten (10) calendar days prior to the date of the scheduled meeting or training. Such requests shall be submitted in writing or by email and describe or identify the date and time, the purpose and the location of the meeting or training. Prior to filing such request, the requesting party shall contact the videoconferencing liaison for the Juvenile Court where the meeting or training is to be held, to determine (1) whether the videoconferencing equipment will be available at the court(s) where the meeting or training is to be held on the date(s) and time to be requested, (2) whether there is a room at the court(s) where the meeting or training is to be held which is compatible and available to utilize the equipment on the requested date(s) and time, and (3) whether the videoconferencing liaison, or other designated contact person, at the court(s) where the meeting or training is to be held will be available on the requested date(s) and time to ensure that the equipment is operational and that it is being properly utilized. Priority will be given to requests for the use of videoconferencing in a Juvenile Court emergency court proceeding even if a request for use of equipment for a meeting or training from another source is received prior to a request for use of the equipment in a Juvenile Court emergency court proceeding, however, every effort should be made to accommodate prior scheduled meetings or trainings.

**11. Use of Videoconferencing Equipment by Other Trial Court Departments.** Other Trial Court departments may submit a request to use Juvenile Court videoconferencing equipment. The requesting Trial Court department shall be responsible for safely transporting the equipment to an available area within the court facility where the equipment is located which has the ability to compatibly utilize the equipment. Said department shall be responsible for the security, operation and the timely return of the videoconferencing equipment to the Juvenile Court. Said requests shall be made in writing to the First Justice of the respective Juvenile Court division where the equipment is located no later than twenty-one (21) calendar days prior to the date of the proposed use of the

equipment. Said requests should describe or identify (1) the date and time, (2) the purpose and proposed length of use, (3) the proposed location where the equipment will be used, and (4) the qualified person from the requesting department who will be responsible for the security, operation and timely return of the equipment. The qualified person from the requesting department must be properly trained to operate, maintain, transport and protect the videoconferencing equipment. The First Justice shall consult with the videoconferencing liaison and shall inform the requesting Trial Court department whether said equipment will be available on the requested date and time. Priority shall be given to requests from the Juvenile Court for the use of videoconferencing in Juvenile Court court proceedings, meetings and trainings. Any request from other Trial Court departments is subject to the ability to compatibly utilize the videoconferencing equipment between the court and the remote site, the operational needs of the remote site and the cost to the court to utilize said equipment.

12. **Report.** The First Justice for each Juvenile Court division shall maintain a monthly report of the usage of videoconferencing equipment by the Juvenile Court and by other Trial Court departments. Said report shall be compiled by the videoconferencing liaison. A copy of the report shall be forwarded by the First Justice to the Chief Justice of the Juvenile Court on the second Wednesday of each month.
13. **Conflicts Regarding Scheduling the Use of Videoconferencing Equipment.** Any conflicts within the Juvenile Court department regarding the scheduling of videoconferencing equipment for Juvenile Court court proceedings, meetings or trainings, or for use of videoconferencing equipment by other Trial Court departments which cannot be resolved by the First Justice(s) of the respective Juvenile Court division(s) will be resolved by the Chief Justice of the Juvenile Court.