

SUPREME JUDICIAL COURT OF MASSACHUSETTS

In the Matter of an Impounded Case

SJC-13926 · No. SJC-13926 · Decided June 24, 2026

SUMMARY

The Supreme Judicial Court of Massachusetts affirmed a single justice's denial of a pro se petition under G. L. c. 211, § 3, challenging interlocutory orders in a Juvenile Court care and protection proceeding. The court held that the petitioner failed to show under S.J.C. Rule 2:21 that review could not be adequately obtained through other available remedies, including relief under G. L. c. 231, § 118, or the ordinary appellate process.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
JURISDICTION	Supreme Judicial Court of Massachusetts
DECIDED	June 24, 2026
DOCKET	SJC-13926
DISPOSITION	affirmed
PROCEDURAL POSTURE	The petitioner appealed from a single justice's denial of a petition under G. L. c. 211, § 3, seeking extraordinary relief from interlocutory orders in a Juvenile Court care and protection proceeding.
STANDARD OF REVIEW	The full court reviews a single justice's discretionary decision not to reach the merits of a G. L. c. 211, § 3 petition for abuse of discretion. Under S.J.C. Rule 2:21, the petitioner bears the burden of showing that review cannot adequately be obtained from a final adverse judgment or by another available means.
PRECEDENTIAL VALUE	precedential
PARTIES	Petitioner

TOPICS

- writ of certiorari
- interlocutory appeal
- appellate procedure
- standard of review
- family law procedure

PRACTICE AREAS

- appellate procedure
- family law
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the petitioner satisfied S.J.C. Rule 2:21 by showing that review of the challenged interlocutory Juvenile Court orders could not adequately be obtained through a final appeal or another available remedy.
2. Whether the single justice abused her discretion by denying the G. L. c. 211, § 3 petition on the ground that review under G. L. c. 231, § 118, and the ordinary appellate process provided adequate alternative remedies.

HOLDINGS

1. A petitioner challenging interlocutory trial-court orders must demonstrate that review cannot adequately be obtained from a final adverse judgment or through another available remedy; the petitioner failed to make that showing.
2. The single justice did not abuse her discretion in denying the petition without reaching its merits because the petitioner had not established the absence of adequate alternative remedies.

KEY QUOTATIONS

“That rule requires the petitioner to show that “review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means.”” (at 2)

“In sum, the petitioner has not met his burden pursuant to rule 2:21, and we conclude that the single justice did not abuse her discretion in denying the petition for failing to establish the absence of adequate alternative remedies.” (at 3)

FACTUAL BACKGROUND

The petitioner challenged interlocutory Juvenile Court orders removing his children from his custody and claimed that the removal proceedings provided insufficient process. He also alleged that one child had previously been unlawfully sedated while in State custody and challenged an alleged oral order restricting filings and access to the court. He sought a stay, return of the children, a well-being check, acceptance of filings, and production of documents.

PROCEDURAL HISTORY

The Juvenile Court issued interlocutory orders removing the petitioner's children from his custody, allegedly restricting filings and court access, and otherwise affecting the proceeding. The petitioner sought relief under G. L. c. 211, § 3, but a single justice denied the petition because the petitioner had an adequate alternative remedy, including review under G. L. c. 231, § 118. The Supreme Judicial Court reviewed the denial under S.J.C. Rule 2:21 and affirmed.

DISPOSITION

affirmed

CASES CITED

- Kifor v. Commonwealth, 492 Mass. 1021, 1022 (2023), cert. denied, 144 S. Ct. 591 (2024)
- Matter of Children, 479 Mass. 1008, 1008-1009 (2018)
- Greco v. Plymouth Sav. Bank, 423 Mass. 1019, 1019-1020 (1996)
- Stegemann v. Commonwealth, 456 Mass. 1004, 1005 & n.3 (2010)
- Care & Protection of Rae, 454 Mass. 1019, 1020 (2009)
- Meuse v. Pane, 433 Mass. 1008, 1008-1009 (2001)
- Kifor v. Commonwealth, 491 Mass. 1002, 1003 (2022), cert. denied, 143 S. Ct. 2504 (2023)
- DeFeudis v. DeFeudis, 449 Mass. 1030, 1030-1031 & n.2 (2007)
- Boone v. Commonwealth, 494 Mass. 1011, 1012-1013 (2024)
- Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019)

OPINION

In the Matter of an Impounded Case

PER CURIAM.

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557- 1030; SJCReporter@sjc.state.ma.us

SJC-13926

IN THE MATTER OF AN IMPOUNDED CASE. June 24, 2026. Supreme Judicial Court, Superintendence of inferior courts. Practice, Civil, Care and protection proceeding. The petitioner appeals from the judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3, seeking extraordinary relief. We affirm. The petition challenged interlocutory orders issued in a proceeding in the Juvenile Court. Specifically, the petitioner contested an order removing his children from his custody, alleging that the ruling was in error and that the removal proceedings afforded him insufficient process. He also alleged that, at some point in the past, one of his children was unlawfully sedated while in State custody. In addition, he challenged an alleged oral order imposing filing restrictions and limiting his access to the court. As relief, he asked the single justice to stay proceedings in the Juvenile Court, to order a well-being check for his children, to order that his children be returned to his custody, and to order the Juvenile Court clerk's office to accept certain of his filings. The petitioner further sought an order for the production of documents related to his children. The single justice denied the petition "on the ground that the petitioner ha[d] an adequate, alternate remedy in the normal appellate process, including seeking review of any interlocutory orders issued by [the] trial court with [a] single justice of the Appeals Court pursuant to G. L. c. 231, § 118." 2 Presently before this court is the petitioner's appeal from the judgment of the single justice. The petitioner has filed a memorandum

and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). He represents in his memorandum that a final judgment has not yet issued in the Juvenile Court. Because the petitioner appeals from a single justice's denial of relief from interlocutory rulings of the trial court, rule 2:21 applies. See S.J.C. Rule 2:21 (1). That rule requires the petitioner to show that "review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." S.J.C. Rule 2:21 (2). In his memorandum, the petitioner argues that the ordinary course of appeal provides an inadequate remedy. Having alleged procedural deficiencies in the Juvenile Court proceedings, the petitioner contends that he cannot obtain relief in that court. Further, he asserts that one of his children suffers from disorders requiring specialized monitoring and "consistent parental care" such that any time away from the petitioner constitutes irreparable harm that cannot be remedied in the ordinary course of appeal. Nevertheless, the petitioner does not explain why review of the disputed interlocutory orders could not have been obtained pursuant to G. L. c. 231, § 118, first par., an alternative remedy identified by the single justice. See *Kifor v. Commonwealth*, 492 Mass. 1021, 1022 (2023), cert. denied, 144 S. Ct. 591 (2024) (holding challenge to interlocutory orders imposing filing restrictions could have been brought pursuant to G. L. c. 231, § 118); *Matter of Children*, 479 Mass. 1008, 1008- 1009 (2018) (noting petition pursuant to G. L. c. 231, § 118, for review of order denying motion seeking custody); *Greco v. Plymouth Sav. Bank*, 423 Mass. 1019, 1019-1020 (1996) (holding G. L. c. 231, § 118, where available, is adequate alternative to petition pursuant to G. L. c. 211, § 3). To the extent that the petitioner's arguments rely on the need for prompt relief, he does not explain why he could not have moved to expedite any resolution of a petition filed pursuant to G. L. c. 231, § 118, first par. See *Stegemann v. Commonwealth*, 456 Mass. 1004, 1005 & n.3 (2010) (noting petitioner "may, of course, move to expedite his appeal in the Appeals Court"); *Care & Protection of Rae*, 454 Mass. 1019, 1020

(2009) ("Any concern the petitioners might have about the speed with which the Appeals Court might handle their appeal[] from . . . the dismissal of their guardianship petition can be addressed by [a] motion[] for expedited ruling[] on [that] appeal[]"); *Meuse v. Pane*, 433 Mass. 1008, 1008-1009 (2001) (holding petitioner did not explain why "need for prompt judicial action based on representations as to the child's physical and psychological condition" could not be addressed by seeking "prompt scheduling" of further proceedings contemplated by trial court judge). Moreover, the petitioner's contentions do not render inadequate an appeal in the ordinary course. See *Kifor v. Commonwealth*, 491 Mass. 1002, 1003 (2022), cert. denied, 143 S. Ct. 2504 (2023) (holding custody and support proceedings in Probate and Family Court "reviewable in the ordinary appellate process"); *DeFeudis v. DeFeudis*, 449 Mass. 1030, 1030-1031 & n.2

(2007) (holding petitioner subject to filing restrictions and asserting denial of equal access to courts did not establish "why he could not obtain adequate relief, if warranted, on appeal from a final judgment"). In sum, the petitioner has not met his

burden pursuant to rule 2:21, and we conclude that the single justice did not abuse her discretion in denying the petition for failing to establish the absence of adequate alternative remedies. See *Boone v. Commonwealth*, 494 Mass. 1011, 1012-1013 (2024) ("where the single justice exercises discretion not to reach the merits of a petition, . . . the full court asks only whether the single justice abused his or her discretion in making that decision" [quotation and citation omitted]); *Commonwealth v. Fontanez*, 482 Mass. 22, 24 (2019) ("The single justice is not required to become involved if the petitioner has an adequate alternative remedy . . ."). The judgment of the single justice is therefore affirmed. Judgment affirmed. The case was submitted on the papers filed, accompanied by a memorandum of law. The petitioner, pro se.