

FILED
COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
PROTHONOTARY

In Re: Judicial Emergency 2020 DEC -9 PM 4: 33

Supervisory Order
No. 2020-SO-40 F

ORDER OF COURT

AND NOW, this 9th day of December, 2020, pursuant to the authority granted by Pennsylvania Rule of Judicial Administration 1952, and in recognition that Adams County has experienced a significantly sharp increase in the number of COVID-19 infections including infections in County/Court Offices, it is hereby Ordered:

1. **Limited Judicial Proceedings** – All Court of Common Pleas evidentiary proceedings, except as otherwise specifically provided below, shall be limited to the parties and counsel. All witnesses shall appear telephonically or by other advanced communication technology. The Court will grant liberal continuance of proceedings to a date after January 31, 2021 at the request of any party where the interests of justice require in-person witness testimony.

All pre-trial conferences and non-evidentiary proceedings shall be conducted telephonically.

Members of the public, including the media, are permitted to observe court proceedings provided the proceeding is not otherwise closed to the public by prevailing law. Observation shall be conducted by advanced communication technology as arranged by the Adams County Court Administrator's Office. Any person wishing to observe a court proceeding must contact Court Administration one (1) business day prior to the proceeding in order for arrangements to be made to effectuate that person's observation by advanced communication technology. Court Administration may be contacted by leaving a detailed message at 717-337-9846 requesting attendance of a court proceeding. Failure to make prior arrangements to attend such proceeding will result in entry to the proceeding being denied. Any person permitted to observe court proceedings by advanced communication technology is prohibited from re-broadcasting, televising, recording, or photographing the proceeding. When a proceeding is

1 being broadcast for purposes of observation, the presiding Judge shall, prior to
2 conducting the proceeding, inform all parties and witnesses as to the form of
3 observation and identify the party participating in the observation.

4 For purposes of this Order, parties are defined as those identified in the
5 pleadings including the child/children in custody matters; the child/children and
6 care providers in dependency matters; and the parents/legal guardians of a child
7 in delinquency matters or any other matter wherein the child is a party.
8 Department of Probation Services staff and Adams County Children and Youth
9 Services staff shall only appear by advanced communication technology at all
10 proceedings, evidentiary and non-evidentiary, with the exception of any
11 proceeding at which counsel for the Commonwealth and/or Agency does not
12 appear on their behalf. Additionally, probation officers shall personally appear at
13 revocation hearings for incarcerated individuals conducted by video where video
14 platforms are not otherwise compatible.

15 All requests for emergency/temporary orders pursuant to the Protection
16 From Abuse Act or emergency orders pursuant to the Protection of Victims of
17 Sexual Violence or Intimidation Act shall be conducted telephonically.
18 Evidentiary hearings related to protection from abuse/protection of victims of
19 sexual violence or intimidation final orders may continue to be conducted in-
20 person however the proceeding shall be limited to the parties and counsel with
21 witnesses appearing telephonically or by advanced communication technology
22 pursuant to the provisions of this Order.

23 The provisions of this section do not apply to proceedings currently
24 scheduled for Criminal Business Court on December 14, 2020 provided such
25 proceedings are conducted in compliance with paragraph 9 of Supervisory Order
No. 2020-SO-40 E.

26 **2. Warrants** – The service of warrants by constables is suspended as it
27 relates to the service of bench warrants or failure to appear at Domestic
28 Relations proceedings, criminal contempt proceedings, miscellaneous docket
29 (MD captioned warrants), or Magisterial District Judge warrants with the
30 exception of failure to respond warrants that do not require detention. No

1 person shall be transported to a Magisterial District Judge Office or committed to
2 the Adams County Adult Correctional Complex as a result of a warrant served
3 by a constable. This Order does not prohibit the practice of constable contact
4 with a person to effectuate a future appearance date before the respective
5 Magisterial District Judge.

6 The on-call constable schedule is suspended immediately.

7 **3. Prison Transports** – No person shall be transported from the Adams
8 County Adult Correctional Complex by the Adams County Sheriff's Department
9 or any other entity for any court proceedings.

10 No person shall be transported by the Adams County Sheriff's
11 Department from another correctional institution on a detainer placed by the
12 Adams County Department of Probation Services or on any arrest warrant prior
13 to a video conference hearing being conducted pursuant to the procedures of
14 this section.

15 Upon receipt of notice from any out-of-county correctional institution that
16 a person is available for transport to this county, the Sheriff's Department shall
17 promptly alert Court Administration of the same. Thereafter, Court
18 Administration shall make arrangements for a hearing to be conducted by video
19 conferencing with the host facility. Notice shall be provided to the Adams
20 County District Attorney's Office, the Adams County Public Defender's Office,
21 the Department of Probation Services, and the Adams County Prison Warden.
22 All such video conference hearings shall be scheduled on the first bench warrant
23 day proceedings following notice from the Sheriff's Department. Although the
24 Warden is not a party to the proceedings, she may provide written comments to
25 the Court, with notice to all parties, prior to commencement of the hearing. If
Court Administration is unable to arrange video conferencing, all counsel are
directed to appear at the designated time for a conference in lieu thereof. Video
conferences may be scheduled by Court Administration at other times to
accommodate urgent circumstances.

1 **4. Adams County Law Library** – The Adams County Law Library is closed
2 effective immediately. Adams County Bar Association members may obtain
3 access to the library by appointment only on Mondays between the hours of 11
4 a.m. and 4 p.m.; on Thursdays between the hours of 9 a.m. and 4 p.m.; and on
5 Fridays between the hours of 9 a.m. and 11:45 a.m. Members of the public may
6 schedule appointments between the hours of 9 a.m. and 11 a.m. on Mondays.
7 Appointments may be scheduled by contacting the law librarian at 717-337-9812
8 during the above identified hours. Scheduled appointments shall limit library
9 occupancy to one person at a time. The law librarian shall post notice as to the
10 contents of this paragraph at the entryway to the library.

11 **5. Arbitration Hearings** – All arbitration proceedings scheduled for the
12 months of December and January are cancelled and continued to a date to be
13 identified by Adams County Court Administration. Court Administration is
14 directed to promptly schedule such hearings and provide notice to all parties.

15 **6. Magisterial District Court** – All Magisterial District Court shall remain
16 open to the public Mondays through Fridays between the hours of 9:00 a.m. and
17 3:30 p.m. Otherwise, they are closed to the public. Any currently scheduled
18 proceedings scheduled at a time other than the open hours established by this
19 paragraph shall be held as scheduled. This provision shall not limit the
20 availability of the on-call Magisterial District Judge to address non-business day
21 emergency matters nor shall it apply to any Central Court proceedings.

22 **7. Adams County Children and Youth Services / Department of**
23 **Probation Services** – Unless otherwise directed by separate court order,
24 Adams County Children and Youth Services and the Department of Probation
25 Services may conduct all required visits with children virtually by advanced
communication technology in lieu of in-person visitation. This paragraph shall
not apply to visits with children in congregate care or other placement facilities
as in-person visits with the child, as permitted by the facility, shall continue to
occur per current regulations.

1 Except as expressly provided hereinbelow, visitations directed by order
2 and/or Pennsylvania Code, Sections 3130.68 and 3490.235, between an
3 adjudicated youth removed from the home and a parent, guardian, sibling,
4 prospective placement resource, or guardian ad litem shall be conducted by
5 advanced communication technology in lieu of in-person visitation except as
6 follows:

- 7 • Visitation of children at congregate care or other placement
8 facilities shall be subject to the rules and regulations of the facility;
- 9 • Visits involving children in kinship care placement that are
10 supervised by the kinship care provider may continue to be
11 conducted in-person as arranged between the kinship care
12 provider and the parent or legal guardian; and
- 13 • Where a specific court order provides otherwise.

14 In instances where in-person visits have been suspended, Children and
15 Youth Services/Department of Probation Services are directed to increase the
16 frequency of contact between the parent and child by advanced communication
17 technology to not less than two times per week unless otherwise limited by
18 specific court order. Additionally, whenever viable, more frequent telephone
19 contact shall be permitted between the parent and child. Children and Youth
20 Services/Department of Probation Services are directed to make available
21 advanced communication technology to any parent/child subject to the
22 provisions of this paragraph who otherwise does not have such technology
23 available. Such equipment/service shall be provided pursuant to safety
24 procedures adopted by the respective agency.

25 All children in a kinship or foster care placement shall be granted a two-
hour contact visit with their parents/guardians between December 20, 2020 and
December 27, 2020 unless such visit is otherwise restricted by specific order of
court. The visit will be subject to the following requirements:

- The child and/or placement location do not include a resident who
has tested positive for COVID-19 or is otherwise displaying
symptoms associated with COVID-19 infection;

- The visiting parent completes a verified questionnaire prepared by Children and Youth Services/Department of Probation Services indicating the parent is asymptomatic and has neither been subject to a COVID-19 test nor tested positive for COVID-19 within the previous fourteen (14) calendar day period; and
- The parent is subject to temperature check immediately prior to the visit as directed by Children and Youth Services/Department of Probation Services.

All such visits shall be pre-arranged with Children and Youth Services/Department of Probation Services and may occur at a location designated by the respective agency. The provisions of this paragraph do not apply where in-person visits have otherwise been arranged between the parties for a child in kinship placement. Children and Youth Services/Department of Probation Services are directed to notify the Court of any circumstance where the provisions of this paragraph cannot be complied with due to safety concerns of any other person provided a specific order restricting contact between the parent and child has not previously been entered.

The provisions of any disposition or permanency order requiring drug testing of any child or party are suspended through January 31, 2021 at which time such conditions shall automatically reinstate. This paragraph does not prohibit or restrict Children and Youth Services/Department of Probation Services from conducting drug/alcohol testing during an investigation or supervision where the well-being of a child is at risk.

This Order shall not be construed to relieve Children and Youth Services/Department of Probation Services of the obligation to promptly respond, in-person, to any circumstance or risk in which a child's well-being or safety is at issue. This Order does not prohibit or restrict Children and Youth Services/Department of Probation Services from conducting any in-person investigation or response to emergency circumstances in which instances the agencies shall comply with statutory and regulatory obligations.

8. **Court Scheduling** – The Court Calendar is amended as follows:

December 16, 2020 FMHP Court is cancelled. All cases scheduled that date are continued to February 17, 2021.

January 7, 2021 Criminal Business Court is cancelled. All cases scheduled that date are continued to February 8, 2021.

January 8, 2021 Miscellaneous Court is cancelled. All cases scheduled that date are continued to February 12, 2021.

January 25, 2021 Criminal Trial Term is cancelled. All cases scheduled that date are continued to the March 1, 2021 Trial Term.

March 1, 2021 is established as a two-week Criminal Trial Term. The Civil Trial Term scheduled for March 1, 2021 shall remain as scheduled with both criminal and civil juries being selected during the two-week term.

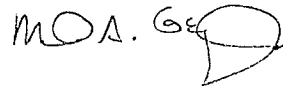
9. **Weddings** – All in-person weddings at the Adams County Courthouse are cancelled through January 31, 2021. The Court will conduct weddings that were scheduled prior to issuance of this Order provided the same is conducted through advanced communication technology. In the event of a currently scheduled wedding, Court Administration shall contact the parties to coordinate cancellation, rescheduling, and/or advanced communication technology.

This Order is effective immediately and shall remain in effect through January 31, 2021 at which time it is automatically vacated unless otherwise vacated or extended by subsequent Order of Court. All Supervisory Orders previously entered shall remain in full force and effect. To the extent any such orders contain provisions contrary to the provisions of this Order, this Order shall supersede.

The Adams County Court Administrator's Office is directed to post a copy of this Order on the Fifty-First Judicial District's website and on the Adams County website. A copy of this Order shall be transmitted by Court Administration to all members of the Adams County Bar Association.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY THE COURT:



MICHAEL A. GEORGE
President Judge

jvs