

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : **PA Supreme Court No. 30 MM 2020**
:
Juvenile Delinquency and Dependency :
Cancelations and Revised Scheduling : **Delaware Co. No. 5120-17**
Protocols :

**EMERGENCY ORDER – JUVENILE DELINQUENCY AND DEPENDENCY
MATTERS**

AND NOW, this 23rd day of March, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,¹ as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the family liaison judge and the jurist of that section assigned to preside in such cases that the following juvenile delinquency and/or juvenile dependency cancelations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **APRIL 14, 2020**:²

ALL calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are within this judicial district (32nd) **SUSPENDED**, subject to applicable constitutional restrictions, if any,³ including but not limited to juvenile dependency and/or delinquency matters.

ALL *contested* delinquency and/or dependency adjudicatory hearings (trials) **SHALL** be **CONTINUED** and rescheduled no less than sixty (60) and no more than one hundred twenty (120) days subsequent to April 14, 2020. The juvenile judge *may* as believed appropriate relist a

contested delinquency or dependency adjudicatory proceeding sooner than the immediately above time parameters (60 to 120 days after April 14, 2020) for demonstrated good cause, but any such scheduling **SHALL** be subsequent to the present judicial emergency's conclusion.

NO *in-person* pretrial – case management conferences of any type **SHALL** be scheduled attendant to dependency and/or delinquency cases. The juvenile court instead *may* as it believes necessary and appropriate hold pretrial – case management conferences in cases of delinquency and/or dependency by the various available advanced technological means, including but not limited to teleconferencing and/or videoconferencing, with counsel and/or self-represented parties. The lawyers and any *pro se* parties are expected to meaningfully participate in these conferences as scheduled and make every good faith effort both prior to and during any such conference to reasonably resolve disputed issues.

ALL juveniles in placement to the maximum extent possible **SHALL** be afforded a **TIMELY** dispositional and/or dependency review through available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing.

Juvenile delinquency right to detain and/or bench warrant hearings **SHALL** be **TIMELY** held via available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing.

Until such time as respective, next appropriate proceedings can otherwise be set (*E.g.* a contested adjudicatory trial), the status of **EVERY** juvenile held in the Delaware County Juvenile Detention Center (“detention center”) **SHALL** be reviewed no less than weekly by a judge at an of-record conference, including the Commonwealth's and juvenile's attorneys, to determine the propriety of the continued detention. These of-record detention status conferences

SHALL be held by available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.

The presiding judge *may* as he or she believes appropriate entertain a proffered, counseled admission and acknowledgment of delinquency, as well as proceed to a resultant disposition, regarding any juvenile housed at the detention center and/or some such other similar facility through available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.

Shelter hearings attendant to dependency matters **SHALL** be **TIMELY** scheduled as the juvenile judge believes appropriate and held to the maximum extent possible via available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.

Delaware County Juvenile Probation and/or Court Services personnel, as well as staff of Delaware County Children and Youth Services, **SHALL** encourage any requisite parental and/or guardian participation in a dependency and/or delinquency court listing through available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing. Should a given juvenile's parent and/or guardian not have such means and/or the access to available advanced communication technologies, *only* then may he or she attend a delinquency and/or dependency listing in person with **NO OTHER** family member and/or friends allowed in a specific courtroom and the Delaware County courthouse – government complex generally.

ANY delinquency and/or dependency emergency filing **SHALL** be made **PROMPTLY** available for review to the juvenile judge or in the event of his unavailability the family section's motion conference judge. The involved judge will first attempt to resolve the dispute, even on an

interim basis, by an of-record telephone conference with the attorneys and/or self-represented parties prior to scheduling a hearing. Failing the interested parties reaching some conference agreement, the presiding judge *may* schedule a court hearing, but *only* as to those lodgings which he or she believes constitute true emergency circumstances. **ALL** emergency hearings to the maximum extent possible **SHALL** be conducted via some type of available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.

ANY *in-person* hearing a judge deems absolutely necessary to proceed **SHALL** be held in a manner to reasonably restrict potential COVID-19 exposure and undertaken, wholly consistent with the Centers for Disease Control and Prevention material guidelines, including but not limited to social distancing and/or prompt surfacing sanitizing.

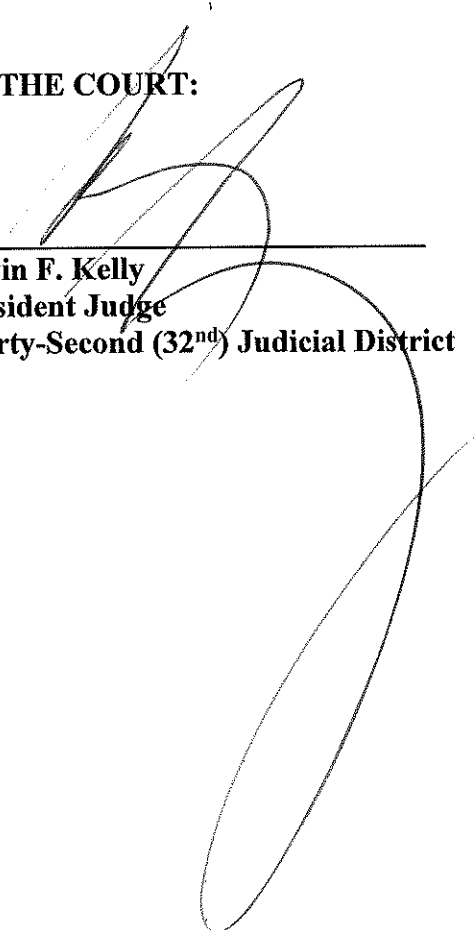
Visitation between parents – guardians and juveniles placed outside the familial residence and/or held at the juvenile detention center stemming from delinquency and/or dependency proceedings **SHALL** to the extent possible continue, but **ONLY** through some available means of advanced communication technologies, including but not limited to telephone, videoconferencing, Skype, teleconferencing and/or Facetime.⁴

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office,

the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁵

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Orders dated March 16, 2020, and March 18, 2020 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Emergency Declaration dated March 17, 2020.

² See Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q). See also Order dated March 18, 2020, pp. 6-7 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket.

³ See Order dated March 16, 2020, p. 2 and Order dated March 18, 2020, p. 4 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(l)(m).

⁴ This court on March 13, 2020, past implemented with the assistance of the Director of Juvenile Detention and Juvenile Court Services-Probation a video visitation program for juveniles housed at the county's detention center and their parents – guardians, and these protocols allowing for parent – guardian and child interaction through various advanced communication technologies **SHALL** remain in place consistent with that directed above.

⁵ See Order dated March 16, 2020 – Supreme Court No. 531 Judicial Administration Docket.