

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

IN RE: AMENDED )  
FIFTH JUDICIAL DISTRICT ) No. 23 WM 2020  
EMERGENCY OPERATIONS )  
PLAN )  
)

**ORDER OF COURT**

**AND NOW**, this 6th day of May, 2020, consistent with the Order of the Supreme Court of Pennsylvania dated April 28, 2020, this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through June 1, 2020.

This Court has extended its declaration of a judicial emergency through June 1, 2020. Therefore, the judicial emergency in the Fifth Judicial District, which began on March 16, 2020, will continue through June 1, 2020.

**I. Time Calculations and Deadlines**

- The suspensions of time calculations and deadlines, subject to constitutional limitations, as indicated in this Court’s previous Emergency Operations Orders, began on March 16, 2020 and will continue through June 1, 2020, absent further order of court. This suspension will have lasted 78 days.

- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. Upon conclusion of the judicial emergency, new deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency) to the original deadline. For example, if the original deadline was March 19, 2020, and the period of suspension under the judicial emergency was 78 days, the new deadline would be June 5, 2020 (78 days after March 19<sup>th</sup>). If, however, the deadline expired before the judicial emergency began, that deadline would not be extended by the judicial emergency.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. *See Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- Attorneys and litigants shall NOT use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct. Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.
- Jury trials in both the Criminal and Civil Divisions remain suspended consistent with the April 28, 2020 Order of the Pennsylvania Supreme Court.

- The local judicial emergency in the Fifth Judicial District has been extended through June 1, 2020. Therefore, no court proceedings in the Fifth Judicial District relating to the dispossession of residential property, either in the Magisterial District Courts or the Court of Common Pleas, will occur before June 2, 2020. Further, any existing Order or Writ of Possession issued with respect to residential property in the Fifth Judicial District is stayed until June 2, 2020, and therefore cannot be executed or enforced until June 2, 2020.

## **II. Public Access to Court Facilities**

- Until further Order of Court, the Family Law Center is closed to the public.
- Until June 1, 2020, the Civil Division courtrooms and offices located on the 7<sup>th</sup> and 8<sup>th</sup> floors of the City-County Building are closed to the public. The Housing Court Help Desk, located on the first floor of the City County Building, is also closed.
- Until June 1, 2020, the Orphans' Court Division, located in the Frick Building, is closed to the public.
- Until June 1, 2020, the Criminal Division courtrooms and offices, located in the Allegheny County Courthouse, are closed to the public.
- Until June 1, 2020, the Magisterial District Courts are closed to the public, with the exceptions set forth in the Magisterial District Courts section below.
- The Pittsburgh Municipal Courts Building is open to the public for the matters and proceedings set forth in this Order.

- News media shall be permitted into the Pittsburgh Municipal Court Building, but only in a manner that is consistent with public safety.
- Building security and Sheriff's Deputies assigned to the Pittsburgh Municipal Court Building are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19, provided that they provide such person with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into the Pittsburgh Municipal Court Building, subject to restrictions above. Friends and family members may be required to wait outside the facility. Sheriff's Deputies shall have the authority to limit the number of persons entering or remaining in a court facility at any given time to ensure public safety.

### **III. Methods for Conducting Proceedings, Transportation, Signatures, and Fingerprinting**

- All court proceedings will be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.

- Any existing Orders for fingerprinting and the requirement for fingerprinting, except for admission into the Allegheny County Jail, are suspended during the judicial emergency.
- Until further Order of Court, no inmates or juveniles will be transported from state correctional facilities, county jails or prisons, Shuman Detention Center, or Hartman Shelter for court hearings. Transportation for other purposes will be at the discretion of the Allegheny County Sheriff. Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be employed.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. Pro se litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a pro se litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

#### **IV. Civil Division**

- All Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- Jury and non-jury trials are suspended pending further Order of Court.
- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
  - (1) Calendar Control Motions,
  - (2) Discovery Motions,
  - (3) Housing Court Motions,
  - (4) General Motions (contested and uncontested),
  - (5) Oral arguments on Preliminary Objections,
  - (6) Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
  - (7) Conciliations relating to cases on the May 2020 Trial List, and
  - (8) All other matters scheduled by any individual judge relating to a case specifically assigned to that judge.

See the Court's website for procedures relating to the above matters, including Emergency Operating Procedures for all judges and remote submissions of the Motions/Preliminary Objections identified above.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.
- Until further Order of Court, all emergency motions and Petitions for Injunctive Relief involving public health, safety, and/or risk for human life matters will be screened by sending the emergency motion or Petition for Injunctive Relief to [civilpmcteam@allegheycourts.us](mailto:civilpmcteam@allegheycourts.us).
- If deemed to be an emergency under the guidelines of this Order, argument will be scheduled by the Court as soon as possible. Such emergency motions and/or Petitions for Injunctive Relief will be heard by Advanced Communication Technology, audio or teleconference, pursuant to the protocol for teleconference hearings issued by the Court. The method for the argument shall be coordinated in conjunction with scheduling argument thereon.
- The moving or petitioning party will be responsible for notifying all other parties of the date and time of the oral argument or hearing.
- If a party is unable to email his/her emergency motion or Petition for Injunctive Relief to [civilpmcteam@allegheycourts.us](mailto:civilpmcteam@allegheycourts.us), the party may call (412) 439-7914 Monday through Friday between the hours of 9:00 A.M. and 3:00 P.M. to make arrangements to have the emergency motion or Petition for Injunctive Relief screened. Appointments for such screening will be made on a case-by-case basis.

- Emergency motions and Petitions for Injunctive Relief will be addressed Monday through Friday between the hours of 10:00 A.M. and 2:00 P.M.
- Arbitration hearings, including landlord/tenant arbitration hearings, are suspended until further Order of Court.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely and consistent with this Order.
- In any case specially assigned to a judge, all current in-person proceedings are suspended until further Order from the assigned judge; however, the assigned judge may schedule remote hearings, conferences, and/or oral arguments on such matters so assigned.

## **V. Criminal Division**

- All Criminal Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- Bail Hearings shall be conducted through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- All court events in Criminal Division courtrooms, except as indicated below, are suspended until further Order of Court. Courtroom staff will

notify all litigants prior to their scheduled events and propose a continuance date acceptable to all parties.

- Bail hearings, motions to lift detainers, and other emergency matters will be addressed in daily motions court. In addition to these emergency matters, other miscellaneous motions will be phased into the daily motions hearings as determined by Criminal Division Administration. Protocols for these motions will be posted on the Fifth Judicial District website as they are developed. All hearings will be conducted via Advanced Communication Technology.
- All bail and emergency motions for cases at the Court of Common Pleas level shall be filed through PACFile. All bail and emergency motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to [DCRCriminal@AlleghenyCounty.us](mailto:DCRCriminal@AlleghenyCounty.us). A copy of any such motion (at either level) shall be emailed to [PTS\\_Bail\\_Questions\\_Bin@alleghencourts.us](mailto:PTS_Bail_Questions_Bin@alleghencourts.us).
- All motions to lift detainers shall be filed through PACFile and emailed to the assigned judge and his/her staff. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- Additional Court proceedings will be phased in using Advanced Communication Technology. These proceedings may include motions filed directly with the assigned Criminal Division judges, preliminary hearings, formal arraignments, plea status hearings, ARD hearings, Phoenix Docket pleas, EDP pleas, ICC hearings, Problem Solving Court Reviews, and other matters deemed appropriate by the Administrative Judge. As proceedings are phased in and implemented, protocols and instructions will be posted on the Fifth Judicial District website.

- All attorneys will be required to engage in a Case Status Conference (CSC) for every case with the assigned judge and opposing counsel at least one week prior to the next scheduled court date. The CSC shall be conducted through Advanced Communication Technology. Protocols for the CSC are posted on the Fifth Judicial District website.
- Pending Orders for the initiation and/or installation of Electronic Monitoring for criminal defendants are suspended, and no new orders for Electronic Monitoring will be accepted by Adult Probation for supervision during the judicial emergency until further notice. Defendants with current orders who are waiting to be placed on electronic monitoring will be placed on home detention without electronic equipment. The Probation Office is hereby authorized to impose additional conditions designed to ensure that defendants comply with home detention. Defendants currently on electronic monitoring will continue to be monitored during the judicial emergency.
- Summary and statutory appeals are suspended until further Order of Court.
- The motions counter in Room 534 in the Allegheny County Courthouse is closed until further notice. For emergency motions, please contact the Court at (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.
- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Pretrial conferences and formal arraignments are suspended until further Order of Court.

## **VI. Family Division**

### **Child Support, Divorce, Alimony, and Equitable Distribution of Property**

- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: [www.alleghenycourts.us](http://www.alleghenycourts.us)
- Child and/or spousal support and Alimony Pendente Lite conferences and hearings scheduled between March 16, 2020 and May 11, 2020 shall be rescheduled by court order with the proceedings being scheduled effective June 8, 2020. All conferences and hearings will be conducted telephonically until further notice. A continuance Order and telephonic instructions will be sent by US Postal Mail and, when possible, by text message.
- Effective May 11, 2020, all scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.

- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at [alleghenysupportexceptions@pacses.com](mailto:alleghenysupportexceptions@pacses.com). The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.
- Masters' conciliations regarding complex support and/or equitable distribution scheduled after May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' hearings scheduled after May 4, 2020 shall be converted to a conciliation.
- Masters' conciliations and hearings scheduled between March 16, 2020 and May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.
- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- For emergency matters involving child support, please call (412) 350-1500, Monday through Friday between 9:00 A.M. and 3:00 P.M.

## **Custody**

- Custody motions will be addressed on a case-by-case basis. For custody motions for new cases or cases without a judicial assignment,

please contact the Court by email at [emergencycustody@allegheycourts.us](mailto:emergencycustody@allegheycourts.us)

- Any matter may be presented to the Court by motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures on the Fifth Judicial District website.
- Please call (412) 350-1500, Monday through Friday between 9:00 A.M. and 3:00 P.M. for questions concerning other emergency custody matters.

### **Protection from Abuse**

- Until further Order of Court, all Temporary Protection from Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection from Abuse Petitions will be addressed between the hours of 8:00 A.M. and 2:00 P.M, Monday through Friday.
- Emergency Protection from Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday.
- Final Protection from Abuse Hearings are suspended until further Order of Court.

- Temporary Orders for Protection from Abuse shall remain in effect until 15 days after the end of the judicial emergency unless otherwise indicated in the Temporary Order.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.
- Hearings on ICC Complaints are suspended until further Order of Court.
- Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M., please call (412) 350-1500 for questions concerning Protection from Abuse.

### **Juvenile Matters**

- All Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.

- Each day, one judge will be assigned to handle all essential juvenile matters, regardless of judge assignment. One hearing officer will be assigned to hear Detention Hearings, and another hearing officer will be assigned to hear Shelter Care Hearings. One or more Juvenile Court Judges of Record shall be assigned daily to hear cases assigned to that judge and as scheduled by the assigned judge.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.
- Shelter Care Hearings will be heard five days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.
- Emergency motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to [juvenilemotions@alleghecourts.us](mailto:juvenilemotions@alleghecourts.us), the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to

provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.

- Permanency Review Hearings shall be scheduled and heard within six months of the last review hearing for children in kinship care, foster care, or other out-of-home placement. Permanency Review Hearings may be heard by a judge or hearing officer.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.
- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- With the consent of the parties, any matter may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.
- Effective, June 1, 2020, all Juvenile Court matters will be heard by the assigned judges according the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.

## **VII. Orphans' Court Division**

- All Orphans' Court matters shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judge. See attached Protocol for Teleconference Hearings.
- At the discretion of the judge assigned to the matter, a conference may be held via teleconference or Microsoft Teams.
- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the appropriate judge:
  - (1) Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
  - (2) Petitions requesting the issuance of a Citation or Rule to Show Cause;
  - (3) Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, and guardianships;
  - (4) Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest;
  - (5) Petitions or motions that are contested will be specially scheduled by the Motions Judge via audio or video (include contact information, including email addresses, for all counsel or unrepresented parties);
  - (6) Petition to Settle a Small Estate; and

(7) Petitions for Allowance involving minors or incapacitated persons.

- All emergency motions will be heard by audio or teleconference. Effective Thursday, March 26, 2020, emergency motions shall be emailed to [emergencyorphansmotions@allegheycourts.us](mailto:emergencyorphansmotions@allegheycourts.us).
- Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

### **VIII. Magisterial District Courts**

- All Magisterial District Courts are closed to the public. Pittsburgh Municipal Court Arraignment Division will remain open to the public for Emergency Protection from Abuse Petitions.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plan.
- All cases in the Magisterial District Courts are postponed.
- Magisterial District Judges will be available remotely to handle essential designated operations which include:
  - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
  - Search Warrant issuance,
  - Bail Hearings and Bail Hearings on ICC Complaints filed by police, and

- Preliminary Hearings with incarcerated individuals.
- All new criminal cases that are filed during the pendency of this order shall be scheduled after June 1, 2020.
- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Summary cases will be docketed in the Magisterial District Judge Computer System beginning May 25, 2020.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at [alleghenytx.com](http://alleghenytx.com) and through the Pennsylvania ePay system at [ujportal.pacourts.us](http://ujportal.pacourts.us).
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.

- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.
  - The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
  - A record of this permission shall be attached to the criminal complaint.
  - The form of signature shall be Magisterial District Judge Name/Staff initials.
  
- Execution of orders for eviction or possession of residential properties in Allegheny County are stayed.
  
- All time calculations relevant to Magisterial District Court proceedings located in the Pennsylvania Rules of Conduct, Office Standards for Civil Procedure for Magisterial District Judges, and the Pennsylvania Rules of Criminal Procedure shall be suspended.
  
- Emergency Protection from Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday. Until further Order of Court, all Protection from Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.
  
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
  
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held

before the judge assigned to hear the Temporary Protection from Abuse Petitions.

- All proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.

BY THE COURT:



\_\_\_\_\_ P. J.  
Kim Berkeley Clark  
President Judge