

IN RE: SEVENTH SUPPLEMENTAL  
ADMINISTRATIVE ORDER AND  
EMERGENCY DECLARATION

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

: AO: AO-6-2021

: NO: 2020-CV-00178-AO

**SEVENTH SUPPLEMENTAL ADMINISTRATIVE ORDER AND SIXTH EMERGENCY  
DECLARATION**

AND NOW THIS 4<sup>th</sup> day of March, 2021, the Seventh Supplemental

Administrative Order and Sixth Emergency Declaration is as follows:

**EMERGENCY DECLARATION**

1. Due to the COVID-19 pandemic and concern for the public health and safety, the judicial emergency is extended in the Twelfth Judicial District through June 1, 2021.

**GENERAL PROVISIONS**

2. To ensure the safety of members of the public, litigants, attorneys, Common Pleas Judges, Magisterial District Judges, Hearing Officers, Conference Officers, Divorce Master, and court staff, advanced communication technology (telephone or video conferences) shall be used as much as possible for all conferences, hearings, and other proceedings as outlined in greater detail below.
3. It is expected that most court proceedings can be held by video or telephone conference and *in-person* proceedings will be limited. If a hearing is being held by video conference, it is expected that each case participant will connect remotely from their home or office and not report to the courtroom to ensure that the record is clear and that all participants can hear and see everything equally.
4. All individuals, including employees, entering any Court facility including but not limited to the Dauphin County Courthouse, Human Services Building 7<sup>th</sup> and 8<sup>th</sup> floor, Children & Youth Services, Schaffner Youth Center, and all Magisterial District Judge Offices, shall always observe social distancing. All individuals appearing for Court shall wear an appropriate face covering over both the mouth and nose unless given permission or requested by the judge or hearing officer to remove it during the proceeding. All employees shall wear an appropriate face covering over both their mouth and nose unless they are seated at their workspace.

5. Members of the public or employees who have been in contact with a person within the past fourteen days known to be infected with COVID-19, who are awaiting the results of their COVID-19 test or a member of their household's test, or have experienced a fever, cough, or shortness of breath within the past twenty-four hours will not be permitted to enter a Court facility. Such individuals shall contact Court Administration at (717) 780-6630 for Common Pleas cases or Magisterial Court Administration at (717) 780-6637 and their case will be rescheduled.
6. **Security Officers** located at the public and employee entrance of the Courthouse or located at any other court facility shall:
  - a. Ensure that individuals trying to enter the building are maintaining a six-foot distance from others.
  - b. Take the temperature of any person seeking to enter the building using an infrared digital thermometer.
  - c. Ask each person requesting to enter the Court facility if they have been in contact with a person known to be infected with COVID-19 within the past fourteen days, if they are awaiting the results of their COVID-19 test or a member of their household's test, or have experienced a fever, cough, or shortness of breath within the past twenty-four hours.
  - d. **Deny** entrance to any person who answers "yes" to any one of the questions in (c) above or has a temperature over 100.4 degrees Fahrenheit.
7. The employee entrance located at the back of the Courthouse shall be open to employees, jurors, delivery vendors, and attorneys who present their attorney registration card or bar association identification card from the hours of 8:00 a.m. – 4:30 p.m. Monday-Friday. The employee entrance to the Courthouse shall be locked at other times and be only accessible to employees with badge access.
8. The Sheriff of Dauphin County or his designee and any constable scheduled by a Magisterial District Judge for this purpose is authorized to enforce this Order and bar individuals from the premises of any judicial facility. Magisterial District Judges are specifically authorized to use constables to enforce this Order during business hours. Only one constable shall be scheduled at an office at a time. Constables shall perform the functions outlined in paragraph 5 above regarding the responsibilities of the security officers. Constables shall include hours worked in this regard on their constable fee sheet and the Controller is directed to pay any security hours noted on the constable fee sheet as approved by the Magisterial District Judge. The authorization to schedule constables to enforce this Order shall be reviewed by the President Judge monthly.

## IN-PERSON PROCEEDINGS

9. **If it is not practical** to hold the conference, hearing or other proceeding by telephone or video conference, the following protocol must be followed for *in-person* proceedings:
  - a. Court appearance times must be staggered to reduce crowding. The number of proceedings scheduled at one time in a courtroom shall be dictated by the courtroom size to allow for a six-foot distance to be maintained as determined by the presiding judge.
  - b. Participants shall wait until ten minutes before their assigned time before entering the Courthouse, Magisterial District Judge facility or any other Court facility.
  - c. Participants shall maintain a six-foot distance from others while waiting to enter a Court facility.
  - d. All Judges, Magisterial District Judges, Hearing Officers and Conference Officers shall enforce social distancing which means that all participants must always maintain a six-foot distance from others.
  - e. All witnesses in civil, family, and orphans' court proceedings may participate by video conference or telephone conference as permitted by the presiding Judge.
  - f. All incarcerated individuals shall participate by video conference except for exigent circumstances.
  - g. A list of those individuals expected to appear for an in-person proceeding at the Dauphin County Courthouse and Human Services Building 7<sup>th</sup> and 8<sup>th</sup> Floor shall be given by the judges' staff to the designated person in Court Administration two days prior to the scheduled proceeding. Court Administration will prepare a spreadsheet and send this to chambers and attorneys for verification. Changes to this list shall be submitted immediately to Court Administration. The final list shall be provided to Stacy Auvdel at [sauvdel@dauphinc.org](mailto:sauvdel@dauphinc.org) the day prior to the proceeding. Only individuals on this list will be permitted to enter the court facility. A list of individuals expected to appear for an in-person proceeding before a Magisterial District Judge shall be given to the scheduled Constable. Attorneys and self-represented parties shall provide a witness list to the assigned judge 48 hours prior to the scheduled proceeding.
10. When a hearing or other proceeding cannot be held using telephone or video conferencing, access to judicial facilities shall be limited to the following persons:

- a.
  1. **Criminal proceedings** -- attorneys, defendants, witnesses, and victims.
  2. **Civil, Family, Orphans' Court proceedings** -- attorneys and the litigants. Witnesses shall testify by telephone or video unless otherwise permitted by the presiding judge.
  3. **Magisterial District Judge proceedings** -- attorneys, litigants, witnesses, and victims.
  4. Any individual not a party or witness to a proceeding is not permitted to attend any Court proceeding without prior court approval.
- b. Attorneys, litigants, or their representatives filing papers in the appropriate filing office. Filers are strongly encouraged to send their filings by mail to the appropriate filing office or by electronic filing when available. Friends or family members are not permitted to accompany any filer into the Courthouse, Magisterial District Judge office or any other Court facility.
- c. Members of the media.
- d. Litigants who need access to the Self-Help Center and are unable to obtain the forms from the Dauphin County website.

#### **FINES, COST, RESTITUTION PAYMENTS**

11. Individuals making payments on their fines, costs and restitution on a Common Pleas case shall make the payment online using ePay or by mailing a certified check, money order, or check from an attorney's trust account to the Bureau of Fines and Costs. If a defendant cannot make a payment online or by mail, they will be permitted into the Courthouse for this purpose and only one person will be permitted at a time in the Fines and Costs office. All others waiting to make a payment shall wait outside the office and maintain a six-foot distance from others.
12. Individuals making payments on their fines, costs and restitution on a Magisterial District Judge case shall make payments electronically by using ePay or NCourt or by mailing a check or money order to the appropriate Magisterial District Judge office. Some Magisterial District Judges' offices have a drop box available. Contact should be made with the appropriate Magisterial District Judge office for directions on how to make a payment using the drop box. Payments at the lobby should be a last resort and all safety precautions listed above shall be maintained.

### COMMON PLEAS CRIMINAL PROCEEDINGS

13. In addition to the conditions outlined above, the following is specific to criminal court proceedings:
- a. Guilty pleas or other contested matters shall be conducted by video conference whenever possible. No continuance motions shall be heard in the courtroom (virtual or in-person) other than by self-represented individuals. All continuances shall be filed electronically or by mail prior to the scheduled date. **Criminal teams shall submit a list of cases that are expected to be heard and disposed during a scheduled session of Miscellaneous Court to the criminal judges' chambers and Court Administration five days prior to the scheduled Court. Attorneys shall not use the Miscellaneous Court day to only conference with their client in the Courthouse. It is important that this be followed to minimize the number of people present in the Courthouse at one time to ensure the safety of the public and staff.**
  - b. ARD hearings shall be held by video conference or in-absentia. However, personal attendance may be allowed with prior court approval for appropriate cases.

### CIVIL, FAMILY, ORPHANS' COURT PROCEEDINGS

14. In addition to the conditions outlined above, the following is specific to civil, family and orphans' court proceedings:
- a. All status conferences and discovery conferences shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.
  - b. All oral arguments shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.
  - c. Custody conferences before Custody Conference Officers shall be conducted by telephone or video conference.
  - d. Domestic Relations support conferences shall be conducted by telephone conference.
  - e. PFA and ICC hearings shall be conducted by video conference whenever possible. Ex Parte hearings shall be conducted by video or telephone conference.
  - f. Guardianship hearings shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.

- g. Divorce master conferences and hearings shall be conducted by telephone or video conference unless otherwise directed by the Divorce Master.
- h. Petitions for Name Change, License Suspension Appeals, and Lottery/Structured Settlement hearings shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.
- i. All arbitration hearings shall be conducted by telephone or video conference.
- j. All support appeals shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.
- k. All other civil, family, and Orphans' Court hearings shall be conducted by telephone or video conference unless otherwise directed by the presiding judge.

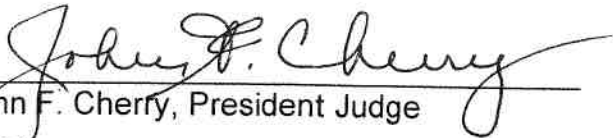
#### **MAGISTERIAL DISTRICT COURT PROCEEDINGS**

- 15. In addition to the conditions outlined above, the following is specific to Magisterial District Court proceedings:
  - a. All hearings before a Magisterial District Judge shall be conducted by telephone or video conference unless otherwise directed by the Magisterial District Judge.
  - b. No continuance motions shall be heard in the courtroom (virtual or in-person). Parties requesting a continuance shall call or fax the appropriate Magisterial District Court office to request a continuance.

#### **EXHIBITS**

- 16. When a matter is to be conducted by either telephone conference or video conference, any exhibits shall be exchanged between the parties, mailed or emailed to the assigned Judge, Magisterial District Judge, Divorce Master, Hearing Officer or Custody Conference Officer, and to the Court Reporter (if applicable) and received at least 48 hours prior to the scheduled Court event. If a party has a documentary exhibit (letter, drawing, map, photograph, etc.), the Judge, Magisterial District Judge, Divorce Master, Hearing Officer, Custody Conference Officer and Court Reporter shall be provided with a copy that is 8 ½ x 11 inches. Counsel shall confer after exhibits are exchanged such that they can indicate to the Court whether the authenticity and admissibility of each exhibit is stipulated or contested when such exhibits are provided to the Court.

BY THE COURT:

  
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John F. Cherry, President Judge

MAR 04 2021

I hereby certify that the foregoing is a true and correct copy of the original filed.

  
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Prothonotary

**Distribution:**

Judge John F. Cherry, President Judge  
Judge Richard A. Lewis  
Judge Scott A. Evans  
Judge Deborah Curcillo  
Judge Andrew H. Dowling  
Judge William T. Tully  
Judge Edward Marsico  
Judge John J. McNally  
Judge Royce Morris  
Magisterial District Judges  
Deborah Freeman, Esquire – Court Administrator  
Bobby Sisock – Deputy Court Administrator – Criminal  
Lili Hagenbuch – Deputy Court Administrator – Civil/ Orphans Court  
Troy Petery, Deputy Court Administrator – Magisterial District Judges  
Jennifer Simpson – HR for Court Administration  
Heather Artz – Chief Court Reporter  
Mariann Lawrence, Director – Fines & Costs  
Matthew Krupp – Prothonotary  
Dale Klein, Esquire – Clerk of Courts  
Nick Chimienti, Jr. – Sheriff  
Jim Markel – Acting Controller, Controller's Office  
Jean Marfizo-King – Register of Wills/Orphans' Court  
James Zugay, Esquire – Recorder of Deeds  
Janis Creason – Treasurer's Office  
Amy Rosenberry, Executive Director – Victim/Witness Assistance Program  
Laura Motter - Law Librarian  
Fran Chardo, Esquire – District Attorney  
Mary Klatt, Esquire – Chief Public Defender  
Kim Robison, Director – Domestic Relations  
Chad Libby, Director – Probation Services  
Matthew Miller, Director – Work Release  
Shannon Danley – Pretrial Services  
Schaffner Youth Center  
Marisa McClellan, Director – Director for Children & Youth Agency  
Stephen Libhart – Emergency Management Agency  
Dauphin County Bar Association  
Gregory Briggs, Warden – Dauphin County Prison  
MH/ID Department  
Jeff Haste, County Commissioner – Chairman  
Mike Pries, County Commissioner – Vice-Chairman  
George Hartwick, County Commissioner – Secretary  
Joseph Curcillo, Esquire – Solicitor  
Dauphin County Local Police Departments  
State Police (Dauphin County Area)