

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CRIMINAL DIVISION - LAW**

**IN RE: ADMINISTRATIVE ORDER 2020-9
Pa.R.J.A. 1952 – JUDICIAL EMERGENCY**

No.: C-48-AD-51-2020

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CLEAN OF COMMON PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY, PA
FILED

ADMINISTRATIVE ORDER

AND NOW, this 17th day of March, 2020, pursuant to the Pennsylvania Supreme Court's Order dated March 16, 2020 declaring a general, statewide judicial emergency until April 14, 2020 in order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and this Court's Declaration of a judicial emergency in the Third Judicial District, and pursuant to Pennsylvania Rule of Judicial Administration 1952, it is hereby **ORDERED** that:

- I. The following proceedings are suspended through April 14, 2020:
 1. Jury duty for criminal and civil trials;
 2. Formal Arraignments (March 26, 2020 and April 9, 2020);
 3. Criminal jury and non-jury trials (April 6, 2020);

4. Guilty pleas and sentencings of non-incarcerated defendants;
5. Criminal trial scheduling conferences (March 19, 2020 and April 2, 2020);
6. Civil jury trials (April 13, 2020);
7. Miscellaneous Court (March 18, 2020, March 25, 2020, April 1, 2020 and April 8, 2020);
8. Motions Court (March 18, 2020 through April 14, 2020);
9. Call of the Civil jury trial list (April 1, 2020);
10. Child Custody Relocation hearings;
11. Child adoption hearings;
12. Call of the Orphans Court Audit list (March 25, 2020);
13. Settlement conferences;
14. Divorce Master conferences and hearings;
15. Asbestos pretrial conferences (April 1, 2020);
16. Mortgage foreclosure conferences;
17. License Suspension Appeals (March 19, 2020, March 26, 2020, April 2, 2020 and April 9, 2020);
18. Preliminary hearings before Magisterial District Judges of non-incarcerated defendants; and
19. Summary criminal trials, civil trials, and

landlord/tenant proceedings before Magisterial District Judges.

- II. Criminal trials scheduled for April 6, 2020 are continued to May 4, 2020.
- III. Civil jury trials scheduled for April 13, 2020 are continued to May 11, 2020.
- IV. Formal Arraignments scheduled for Thursday, March 26, 2020 are continued to Friday, April 17, 2020.
- V. Formal Arraignments scheduled for Thursday, April 9, 2020 are continued to Friday, May 8, 2020.
- VI. Time calculations for the purposes of time computation relevant to Court cases or other Judicial business, as well as time deadlines, are suspended from March 18, 2020 to April 14, 2020.
- VII. The following proceedings of incarcerated defendants shall **only** be conducted by use of two-way simultaneous audio-visual communication:
 - 1. Preliminary arraignments;
 - 2. Preliminary hearings;
 - 3. Bench warrant (criminal and domestic relations) hearings;
 - 4. Bail modification and revocation hearings;

5. Guilty plea hearings;
6. Sentencing hearings;
7. Gagnon I hearings;
8. Gagnon II parole, probation and intermediate punishment revocation hearings; and
9. Petition for Parole hearings.

VIII. All hearings and proceedings held pursuant to the Rules of Juvenile Court Procedure shall **only** be conducted by use of two-way simultaneous audio-visual communication.

IX. The duration of an order appointing an Emergency Guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513 shall be extended from 72 hours to 30 days from date of issuance of the order.

X. The duration of an order granting a temporary *ex parte* Protection from Abuse petition and scheduling a final hearing pursuant to 23 Pa.C.S.A. § 6107(b) shall be extended such that the date of the hearing pursuant to 23 Pa.C.S.A. § 6107(a) shall be extended from 10 business days to 30 business days from the date of the issuance of the temporary order. All final hearings previously scheduled pursuant to 23 Pa.C.S.A. § 6107(a) for a date between March 17, 2020 and April 14, 2020 shall be

continued until April 15, 2020 at 1:00 p.m. and the temporary orders in those cases shall be extended until that time.

- XI. Complaints for child custody and petitions for modification or contempt of child custody shall be filed by mail to the Office of Court Administration, along with all required filing fees, related documents and a self-addressed, stamped envelope.
- XII. Civil Pretrial conferences scheduled for March 24, 2020 shall be conducted only by telephone. The Court will initiate the call to the parties or, in the case of represented parties, to their attorneys, at the time of the conference.
- XIII. Child Custody conferences before a Custody Master shall be conducted only by telephone. The custody office will initiate the call to the parties or, in the case of represented parties, to their attorneys, at the time of the conference. To the extent feasible, attorneys should arrange to have their clients present in their offices with them at the time of the conference. If an attorney cannot arrange to have the client present in the attorney's office, the attorney shall arrange to be able to speak to the client by telephone during the conference. All parties and

attorneys shall notify the Court in advance if there is any change to their telephone numbers.

- XIV. Hearings pursuant to the Mental Health Procedures Act, 50 P.S. § 7101, shall be conducted only by telephone.
- XV. Domestic Relations support conferences shall be conducted only by telephone. The Domestic Relations Division will initiate the call to the parties or, in the case of represented parties, to their attorneys, at the time of the conference. To the extent feasible, attorneys should arrange to have their clients present in their offices with them at the time of the conference. If an attorney cannot arrange to have the client present in the attorney's office, the attorney shall arrange to be able to speak to the client by telephone during the conference. All parties and attorneys shall notify the Domestic Relations Division in advance if there is any change to their telephone numbers.
- XVI. Payments of fines and costs for cases pending before a Magisterial District Judge shall only be made online at <https://ujportal.pacourts.us/PayOnline.aspx>. No payments will be accepted at the Magisterial District Courts.
- XVII. Uncontested motions and agreed-upon, stipulated orders shall be submitted by mail to the Office of Court

Administration (jgreene@nccpa.org) and will be signed by the President Judge.

XVIII. Because Motions Court and Miscellaneous Court are suspended through April 14, 2020 due to the general, statewide judicial emergency and this Court's Declaration of a judicial emergency in the Third Judicial District, a party or attorney who must present a contested motion or petition to the Court prior to April 14, 2020 which is not specifically set forth in Section XIX below as an essential judicial service, shall:

1. Email a .pdf copy of the motion to the office of Court Administration (jgreene@nccpa.org), together with a memorandum of law in accordance with Northampton County Local Rule N210; and
2. Serve the motion and memorandum of law upon the opposing party and attorney of record by email, by first class mail, and by certified mail, return receipt requested, restricted delivery, with a statement to the opposing party and attorney that the opposing party and attorney must, within five days of receipt, email a .pdf copy of the motion to the office of Court Administration (jgreene@nccpa.org), together with a

memorandum of law in accordance with Northampton County Local Rule N210.

If the motion or petition requires testimony, the parties shall arrange for depositions and submit a .pdf copy of the depositions to the Office of Court Administration (j.greene@nccpa.org). The Court will thereafter decide the motion and issue an order.

XIX. Pursuant to the Pennsylvania Supreme Court's Order dated March 16, 2020, requiring Judicial Districts under a judicial emergency to continue to provide essential judicial services:

1. Magisterial District Judges will remain continuously available 24 hours per day (subject to the limitations set forth in Northampton County Administrative Order 2015-9) to handle:
 - a. preliminary arraignments;
 - b. complaints for indirect criminal contempt of a protection from abuse order;
 - c. emergency petitions for protection from abuse;
 - d. emergency petitions for protection from elder abuse;
 - e. emergency petitions for protection of victims of

- sexual violence or intimidation; and
 - f. search warrants and arrest warrants.
2. Guilty plea hearings, sentencing hearings, Gagnon II hearings and Petition for Parole hearings of incarcerated defendants pursuant to paragraph VII (5), (6), (8) and (9) above shall be scheduled by the Office of Court Administration for the judge assigned to the case.
 3. Northampton County Courtroom 1 will remain open during Court business hours as an "Essential Services Court." The President Judge of the Court of Common Pleas will preside over this Essential Services Court to handle the following proceedings:
 - a. complaints for indirect criminal contempt of a protection from abuse order;
 - b. emergency petitions for protection from abuse;
 - c. emergency petitions for protection from elder abuse;
 - d. emergency petitions for protection of victims of sexual violence or intimidation;
 - e. search warrants and arrest warrants;
 - f. bail modification and revocation hearings;

- g. bench warrant hearings for criminal and domestic relations matters;
- h. petitions for Emergency Guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513;
- i. actions for emergency child protective services by the Northampton County Division of Children, Youth and Families;
- j. preliminary injunction proceedings where the moving party can establish a threat of irreparable harm, in which case, before appearing in Court, the moving party shall email a .pdf copy of the motion to the office of Court Administration (j.greene@nccpa.org), together with a memorandum of law in accordance with Northampton County Local Rule N210, and thereafter, the Court Administrator will contact the parties and inform them whether the President Judge has approved an emergency hearing in the matter; and
- k. petitions for emergency child custody pursuant to Pa.R.C.P. 1915.4, where there is an immediate

danger to the safety, health or well-being of the child.

The proceedings listed in paragraph XIX (3) of this order may be conducted by use of two-way simultaneous audio-visual communication, including but not limited to Polycom video conferencing, Skype and Facetime.

XX. Pursuant to the Pennsylvania Supreme Court's Order dated March 16, 2020 declaring a general, statewide judicial emergency until April 14, 2020 in order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and this Court's Declaration of a judicial emergency in the Third Judicial District, and pursuant to the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . the safety of court personnel, court users and the public . . .," it is hereby **ORDERED** that the following individuals will be prohibited from entering any courtroom or court facility under the direction of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services:

All individuals who:

- Have been in any of the following countries within the last 14 days: China, Iran, South Korea, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City, or any other country reported by the Centers for Disease Control (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) as having "widespread sustained" or "sustained community" spread of the coronavirus; or
- Reside or have had close contact with anyone who has been in one of the countries listed above within the last 14 days; or
- Have been directed to quarantine, isolate or self-monitor at home for the coronavirus by

any doctor, hospital or health agency; or

- Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
- Have flu-like symptoms.

It is further **ORDERED** that the Posters attached as Exhibit A shall be posted on the entry doors of any courtroom or court facility under the direction of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services. This Order shall become effective on March 18, 2020 at 8:30 a.m.

BY THE COURT:



MICHAEL J. KOURY, JR.
PRESIDENT JUDGE