

IN RE: : IN THE COURT OF COMMON PLEAS OF  
JUDICIAL EMERGENCY AND : CUMBERLAND COUNTY,  
LIMITED REOPENING OF THE : PENNSYLVANIA  
COURTS :  
: NO: CP-21-MD-0000202-2020

### ADMINISTRATIVE ORDER

AND NOW, this 28<sup>th</sup> day of September, 2020, the Judicial Emergency previously declared as a result of the COVID-19 pandemic shall extend through December 31, 2020. Provided, however, the Court of Common Pleas and ALL District Courts shall remain open to the public subject to the following conditions and limitations:

1. All common pleas judges, magisterial district judges, and hearing officers, when reasonably possible, **should** do the following:
  - a) Utilize, and encourage litigants to utilize, to the fullest extent available, telephonic, video/audio devices and other advanced communication technology to reduce personal appearances for hearings, trials, meetings, conferences, and similar proceedings or gatherings;
  - b) Stagger court appearance times to reduce crowding;
  - c) Limit meetings, conferences and other gatherings to essential participants and arrange seating to avoid close personal contact;
  - d) Liberally grant requests for continuances.
  
2. When a hearing or other proceeding cannot be held using the methods set forth in 1 (a), access to judicial facilities (including MDJ offices) of the 9<sup>th</sup> Judicial District **should** be limited to the following persons:
  - a) Court and County employees, officials, and people with badge keycard credentials;

- b) In Criminal proceedings: attorneys, defendants, witnesses, and victims (this does not include friends or family members of the above). In Civil proceedings only attorneys and litigants (witnesses, other than parties, in civil proceedings should testify electronically, including by phone or video).
  - c) Individuals with a bona fide business need before a Court or Court-related office;
  - d) Attorneys, litigants, or their representatives filing papers or pleadings, **INCLUDING walk-in *pro se* petitioners for protection from abuse**, or making monetary payments, (although they are encouraged to do so by mail or electronically whenever possible); and
  - e) Members of the media.
3. All common pleas judges, magisterial district judges, and hearing officers **shall**:
- a) Enforce social-distancing at all times (if a hearing or proceeding requires too many participants to have access to the judicial facility to make social distancing impractical, it shall be continued to a date after the expiration of the Judicial Emergency);
  - b) Require all witnesses in civil proceedings, other than litigants, to testify telephonically or by other advanced communication technology.
  - c) Require all incarcerated individuals (whether in civil or criminal proceedings) to participate electronically. Provided, however, if the individual has the right to be in court for the proceeding and refuses to waive that right, the proceeding may, at the discretion of the judge or MDJ be continued until after the judicial emergency is over. Otherwise it shall be conducted in accordance with this order.
4. All individuals entering any judicial facility shall observe social distancing at all times. Furthermore all such individuals shall wear an appropriate face covering unless given permission (or requested) by the judge or hearing officer to remove it during the proceeding.
5. The Cumberland County Sheriff and all law enforcement officers, including local and state police as well as constables, are hereby authorized and directed to decline transportation of prisoners despite a

valid transportation order if they have reason to believe the prisoner may have COVID 19. Any such person declining transportation shall immediately contact the judge/MDJ/hearing officer expecting the prisoner.

6. Common pleas judges, magisterial district judges and hearing officers shall have broad discretion to schedule, continue and conduct hearings, trials and other proceedings in accordance with the above.
7. Jury trials shall be held in accordance with this order and all prior and future administrative orders issued by this court.

It is further **ORDERED** that the Sheriff of Cumberland County, his designees, and all law enforcement officers, including constables, are authorized to enforce this Order and to bar or remove individuals from the premises of any judicial facility. MDJs are specifically authorized to hire constables to assist in the enforcement of this order during business hours.

By the Court,



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Edward E. Guido, P.J.

Cumberland County Bench; District Attorney; Public Defender; The Sheriff of Cumberland County; Attorneys Attached to Affected Active Cases; Defendants with Affected Active Cases; Cumberland County Law Journal; Clerk of Courts; Prothonotary; Register of Wills; Recorder of Deeds; Court Administrator; Prothonotary of the Supreme Court of Pennsylvania; AOPC