

IN RE: : IN THE COURT OF COMMON PLEAS OF
MASKING : CUMBERLAND COUNTY, PENNSYLVANIA
:
: NO: CP-21-MD-0000202-2020
:

ADMINISTRATIVE ORDER

AND NOW, this 26th day of August, 2021, pursuant to recent CDC guidance,¹ and Pennsylvania Rule of Judicial Administration 1952, in order to balance the public's compelling interest in securing access to judicial services and the mandate of Rule 1952(8)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public," it is hereby ORDERED as follows:

1. Effective Monday, August 30, 2021, all persons, including court employees under the supervision and authority of the President Judge, irrespective of COVID-19 vaccination status, who enter any court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the offices of Domestic Relations, Adult Probation, Juvenile Probation, shall wear a mask or appropriate face covering in all courtrooms, public hallways, lobbies, stairways, elevators, and common areas accessible to the public.
2. Those persons who cannot medically tolerate a face covering (including children under the age of two) are exempted from this Order. For court participants such as judges, witnesses, interpreters, Court staff, and attorneys, the removal of masks for purposes of communication will be at the discretion of the presiding judge.
3. This mask mandate for everyone, regardless of vaccination status, is necessary as an extra precautionary measure for all court personnel, court users and the public. See footnote 1¹

¹ On July 27, 2021, the U.S. Centers for Disease Control and Prevention (CDC) issued new

4. This Administrative Order applies only to those courts, departments, offices, and public common areas of the Cumberland County Courthouse under the jurisdiction of the President Judge, the 4th and 5th floors specifically, and does not apply to the individual Row Offices in the courthouse which are under the independent control of the officials overseeing those court-related offices and all other public and common areas of the courthouse under the control of the Commissioners. All Row Officers retain the authority to implement any mask policy that they believe is necessary and appropriate to properly manage their individual offices.
5. This Court will continue to operate at full capacity, with social distancing encouraged at the discretion of the presiding judge, master, or hearing officer.
6. At the discretion of the presiding judge or hearing officer, advanced communication technology shall continue to be utilized where practical in all civil proceedings.
7. The Court of Common Pleas and the District Judges are also encouraged to favor advanced communication technology for criminal proceedings where it is appropriate and consistent with due process, through August 31, 2021.² Judges shall be present in the courthouse, or other court facility whenever a proceeding is being conducted by advanced communication technology, except for extraordinary circumstances, such as when court properties are closed due to an emergency under Pa.R.J.A. Nos. 1950-1954, or when a proceeding is not being conducted during normal business hours.
8. All criminal court continuances will be evaluated by the presiding judge on a case- by-case basis. Any postponement resulting from the COVID-19 pandemic shall be considered a court delay and shall constitute excludable

guidance based on increasing concern related to potential spread and impact of the B.1.617.2 (Delta) variant. This guidance recommends that both vaccinated and unvaccinated individuals wear face coverings in public indoor settings in areas identified as having "substantial" or "high" community transmission. As of August 17, 2021, the County of Cumberland has been identified as an area of "high" community transmission based on current data for the CDC. See <https://covid.cdc.gov/covid-data-tracker/#county-view>.

² See Supreme Court Order of June 29, 2021, at No. 44 MM 2020, authorizing the suspension of state or local rules that restrict the use of advanced communication technology in Cumberland County criminal court proceedings through August 31, 2021.

time for purposes of the application of Pa.R.Crim.P. 600. See Pa.R.Crim.P. 600(C)(1); Pa.R.Crim.P. 600 cmt.

9. The Court will continue to closely monitor new information regarding the Delta variant and COVID-19 trends and will amend this Order as appropriate.
10. This Order shall remain in effect until September 15, 2021, or until further order of this Court.

By the Court,



Edward E. Guido, P.J.

Cumberland County Common Pleas Court, MDJs, DRO, APO, JPO
District Attorney
Public Defender
The Sheriff of Cumberland County;
Cumberland County Law Journal
Clerk of Courts
Prothonotary
Register of Wills
Recorder of Deeds;
Court Administrator
Prothonotary of the Supreme Court of Pennsylvania
AOPC