

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

FILED
2020 MAR 24 PM 4:17
CARBON COUNTY
REGISTER OF WILLS
CLERK OF ORPHANS COURT

In re: 56th Judicial District - Declaration
of Judicial Emergency : NO. 55 MM 2020

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
56th JUDICIAL DISTRICT

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CLERK OF COURTS

In re: 56th Judicial District - Declaration
of Judicial Emergency : NO. CP-13-AD-002-2020 Clerk of Courts
: 20-0575 Prothonotary
: 20-9103 Register of Wills/Orphans Court

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CARBON COUNTY
PROTHONOTARY

AMENDED ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 24th day of March, 2020, the Court having previously declared a Judicial Emergency in the 56th Judicial District of Pennsylvania on March 17, 2020, accompanied by Administrative Order No. 6-2020 of the same date, to safeguard the health and safety of court personnel, court users, and members of the public on account of the COVID-19 virus, and the Pennsylvania Supreme Court having more recently issued an order dated March 18, 2020, directing that all Pennsylvania Courts be closed to the public as to non-essential functions beginning at the close of business on March 19, 2020 and lasting through at least April 3, 2020, pending further order of the Supreme Court, such order providing general and specific directives and exceptions, in accordance with the Supreme Court's order of March 18, 2020 and its previous order dated March 16, 2020 authorizing each judicial district to declare a judicial emergency without prior approval from the Supreme Court, and in furtherance of the protection of the health and safety of court personnel, court users and the public from contracting and spreading the COVID-19 virus while seeking to ensure continued accessibility to the courts in accordance with the aforementioned orders of the Supreme Court, effective immediately

and through April 14, 2020, it is hereby

ORDERED and DECREED that all Carbon County Court Facilities, including the Offices of the Magisterial District Judges, shall be closed to the public as to non-essential functions, subject to the following general and specific directives and exceptions.

Court Facilities Shall Remain Open to Perform Essential Court Functions

1. Essential functions at the Common Pleas level include:
 - a. Bail establishment hearings where bail was not previously set, emergency bail review, and habeas corpus hearings;
 - b. Gagnon I and Gagnon II hearings for incarcerated defendants - All hearings for revocation of parole, probation, and intermediate punishment for those in custody, including Gagnon I proceedings, shall be held by advanced communication technology;
 - c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150, Domestic Relations bench warrants, and body attachments;
 - d. Juvenile delinquency detention;
 - e. Juvenile emergency shelter and detention hearings;
 - f. Preliminary and final hearings under the Protection from Abuse Act and Protection of Victims of Sexual Violence or Intimidation Act;
 - g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
 - h. Emergency petitions for guardianship and older adult matters;
 - i. Civil mental health reviews;
 - j. Emergency equity civil matters (injunctions and stays);
 - k. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm;
 - l. Formal criminal arraignments;
 - m. Indirect criminal contempt hearings for incarcerated defendants;
 - n. Extradition hearings;
 - o. Acceptance of bail;
 - p. Issuance of search warrants and acting on requests for wiretaps;
 - q. Petitions for Probate and Grant of Letters Testamentary and Petitions for Grant of Letters of Administration (by appointment only with the Register of Wills, telephone number (570) 325-2261); and

- r. Any other function subsequently determined by the President Judge to be essential consistent with constitutional requirements.
- 2. Essential functions at the Magisterial District Court level include:
 - a. Preliminary arraignments (bail setting) for bailable cases;
 - b. Criminal case filings and subsequent processing;
 - c. Preliminary hearings for incarcerated persons only;
 - d. Issuance of arrest and search warrants;
 - e. Emergency Protection from Abuse Petitions and for Victims of Sexual Violence or Intimidation;
 - f. On call responsibilities;
 - g. Acceptance of bail; and
 - h. Any other function deemed by the President Judge to be essential consistent with constitutional limitations.
- 3. All hearings on essential functions shall be scheduled by Court Administration or the administrative staff of each Magisterial District Judge in due course as previously.

Non-Essential Court Functions

- 4. Non-essential court functions and/or proceedings are those which are not otherwise described as essential court functions and/or proceedings under paragraph 1 above.
- 5. All hearings, arbitrations, jury trials, non-jury trials, summary appeals, or other matters involving a non-essential court function - unless otherwise required herein or unless such matters can be scheduled via use of advanced communication technology (e.g., arguments; pretrial, case management and status conferences) – shall be rescheduled by Court Administration or the administrative staff of each Magisterial District Judge, as appropriate, for a date after April 14, 2020 .
- 6. All conferences or hearings scheduled before the Conference/Hearing

Officer, Eileen Diehl, Esquire, involving custody, divorce and support matters are hereby continued to a new date to be determined, unless such matters can be scheduled via use of advanced communication technology.

7. To the extent any of the matters identified in Paragraphs 5 and 6 can be effectively and efficiently handled through advanced communication technology consistent with constitutional limitations, they may and shall proceed.

8. Sheriff sales scheduled for April 9, 2020 are continued to the next scheduled date, May 8, 2020, at 11:00 A.M. The Sheriff is hereby directed to post notice of the date and time of the continued sale at the entrance to the Carbon County Courthouse. A copy of this notice and this order shall be filed by the Sheriff in each case so continued.

9. No application for a Marriage License will be accepted or processed during the pendency of this Order.

General Directives

10. Attorneys, litigants, other court participants, and members of the public shall be directed where to sit during court proceedings and scheduling may be staggered at the discretion of the court in order to promote social distancing. To the extent possible, it is directed that all persons identified in the preceding sentence follow federal guidelines, including those provided by the Centers for Disease Control and Prevention, including but not limited to hand washing and sanitizing. The Court has requested the County to arrange for its cleaning staff or maintenance to disinfect surfaces in court facilities consistent with federal guidelines, including those provided by the Centers for Disease Control and Prevention.

11. Every judge and hearing officer may conduct such business by telephone,

video conferencing, facsimile, scanning, and electronic filing as they deem to be appropriate and feasible, subject to constitutional restrictions.

12. In order to limit the number of people entering court facilities and from having contact with court staff and county agency staff, non-emergency filings in or payments to the Clerk of Court's Office and Bureau of Collections, Prothonotary's Office, Register of Wills and Orphan's Court Office, and Public Defender's Office located at the Carbon County Courthouse, and in the Domestic Relations Office, Juvenile Probation Office, Elections Bureau and Children & Youth Office located at 76 Susquehanna Street, Jim Thorpe, shall be deposited in separately marked boxes or other receptacles provided for these purposes located by the security desk in the lobbies of the Carbon County Courthouse and at 76 Susquehanna Street, respectively, with the Elected Officials/Executive Directors, or their staff, of such offices to retrieve the documents so deposited in intervals of no greater than every thirty minutes in order to ensure that all such documents or payments made are timely recorded and processed on the date deposited. An additional box or receptacle for miscellaneous court filings in any other office other than those named above, will also be located by the security desk in the lobby of the Carbon County Courthouse to be used to deposit documents for filing in any such other office.

In the event any such filing involves an emergency matter requiring immediate attention or in the event the prospective filer needs to pick up a form for immediate filing (e.g., Petition for Protection from Abuse), this shall be brought to the attention of the attendant at the security desk who will either directly telephone or advise the filing party how to contact the filing office by telephone in order to confirm the emergency nature of

the filing and/or to arrange for a representative of such office to retrieve the document and/or to assist the filer with the filing. If any copies of filed documents are requested to be time stamped and returned to the filer, such copies shall accompany the original document to be filed together with a self- addressed, stamped envelope.

All deposited documents must include appropriate filing fees. All such payments shall be made by check or money order; U.S. Currency shall not be used. All payments made in-person for deposit to the Domestic Relations Office shall be made by check payable to "Pa. State Collections and Disbursement Unit" or money order payable to "Carbon County Domestic Relations"; U.S. Currency shall not be used. All payments made for deposit to the Bureau of Collections shall be made online or by mail. With respect to any bail amounts to be deposited with the Clerk of Court's Office, payment shall be made by cashier's check, certified check or money order (no personal checks) payable to the Carbon County Clerk of Courts. In the event such means of payment is not available, U.S. Currency will be accepted as a last resort at the Carbon County Correctional Facility in Nesquehoning..

13. No officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejectment, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment.

14. The Carbon County Sheriff and his deputies are hereby authorized to prevent the entry of any person into the Court Facilities who appears to be sick or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus. The Magisterial District Judges and their staffs are similarly authorized to decline the entry of any person into their court facility who appears to be sick or may have

recently (within the last 14 days) been in contact with someone who is positive for coronavirus.

Notice

15. Within 24 hours , the District Court Administrator shall ensure that a copy of this order is:

- a. Transmitted to the Court Administrator of Pennsylvania;
- b. Posted conspicuously on the entry doors of the Carbon County Courthouse and all Magisterial District Courts of the 56th Judicial District;
- c. Posted on this court's website; and
- d. Transmitted to the Carbon County Bar Association with the request that the Association promptly forward a copy to all members.

Effective Date

16. This order is effective immediately and shall remain in effect through April 14, 2020, or until otherwise modified, terminated or extended by further order of court. To the extent any of the terms of Administrative Order No. 6–2020 dated March 17, 2020 conflict or are inconsistent with the terms of this Order, such provisions are hereby superseded; in all other respects Administrative Order No. 6–2020 dated March 17, 2020 shall remain in full force and effect.

BY THE COURT:



P.J.