

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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2020 NOV 23 PM 3:49

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

CARBON COUNTY
PROTHONOTARY

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

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

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Clerk of Courts
REGISTER OF WILLS
CLERK OF ORPHAN COURT

EIGHTH AMENDED ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 23rd day of November, 2020, the Court having been advised on the afternoon of Wednesday, November 18, 2020, that due to positive Covid-19 testing in the Carbon County Sheriff's Office and the need for the staff in that office to quarantine, isolate and be fully tested, the Sheriff's Office was unable to provide any security protection to the court or for any court proceedings; and positive tests for Covid-19 having been reported in the District Attorney's Office, Public Defender's Office, Court IT Department and Carbon County Adult Probation Office, requiring each of these offices to quarantine, isolate and close for Covid-19 testing; and the court being unable to proceed with any in-court proceedings for which security to ensure the health and safety of court personnel, court users and members of the public is required, but which is not now available; and any criminal proceedings requiring the attendance of members of the District Attorney's Office and/or Public Defender's Office being unable to proceed, all such proceedings scheduled for Thursday, November 19, 2020 forward were immediately continued and rescheduled by Court Administration, with the Court remaining open for emergency and essential services only.

And it being unknown at this time when the Sheriff's Office will be able to provide security to the Court and for proceedings in court, when the District Attorney's Office and Public Defender's Office will have counsel available to appear in court, when the Court IT Department will be fully functional, when the Adult Probation Department will be open to the public, and whether other court-related offices within the County (e.g., Prothonotary's Office, Clerk of Courts Office, Orphans Court/Register of Wills Office) will be infected and required to quarantine, isolate and test, pursuant to the authority granted in the Pennsylvania Supreme Court's *per curiam* order dated May 27, 2020, and in accordance with the exercise of emergency powers under Rule of Judicial Administration RJA 1952(B)(2), it is hereby

ORDERED and DECREED that until further order of court all Carbon County Court facilities, including the offices of the Magisterial District Judges, shall be open for essential court functions (to the extent critical personnel are available for these proceedings) but 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). See *below*, paragraph 4, for further instructions; 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. All such hearings and essential functions shall be conducted remotely

through use of advanced communication technology to the extent practical.

4. For Probate and Grant of Letters Testamentary and Petitions for Grant of Letters of Administration counsel are requested to email all paperwork in advance to each of the following three email addresses: jpapay@carboncourts.com, bmiller@carboncourts.com, and hrobles@carboncourts.com. Following swearing-in, which will be by Zoom only, all original paperwork should be dropped off and placed in the appropriate box in the courthouse vestibule, together with full payment for probate, or a call should be made from the vestibule to the Register of Wills Office for a member of staff to pick up the original paperwork and payment and then return the completed paperwork to counsel.

Non-Essential Court Functions

5. 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.

6. All hearings, arbitrations, jury trials, non-jury trials, summary appeals, or other matters involving a non-essential court function scheduled during the pendency of this order - unless otherwise required herein or unless such matters can be scheduled via use of advanced communication technologies (e.g., argument, 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 future date.

7. 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.

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

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

General Directives

10. All sentencings scheduled for November 20, 2020, and Pleas and ARDs (DUI Court) scheduled for November 24, 2020, are continued and shall be rescheduled by Court Administration. Additionally, the call of the trial list scheduled for November 30, 2020 and December 1, 2020 is continued, as are all criminal jury trials scheduled for the week of December 7, 2020. The call of the trial list shall be rescheduled for a staggered call on Monday, January 4, 2021 at 10:00 A.M. for the cases to be called before Judge Nanovic, 1:00 P.M. for the cases to be called before Judge Serfass, and 2:00 P.M. for the cases to be called before Judge Matika, with jury trials to be held during the week of January 11, 2021.

11. All criminal defendants who are currently serving weekend sentences shall have their sentences deferred for a period of forty-two days commencing on Friday, November 27, 2020, such that those defendants whose names appear on the list attached to this order shall not be required to report to the Carbon County Prison to serve the balance of their unserved weekend sentence until Friday, January 8, 2021, if the weekends as so defined in the most recent sentencing order begins on a Friday, or on such date next following Friday, January 8, 2021, if the weekends as so defined in the

most recent sentencing order begins on a day other than a Friday. A copy of this order shall be filed and docketed to the original case file maintained by the Carbon County Clerk of Courts with respect to each defendant on the attached list.

12. 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 mask wearing, 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.

13. 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.

14. 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.

15. The Carbon County Sheriff and his deputies, as well as constables providing security at Court Facilities, 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

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

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

Effective Date

17. This order is effective immediately and shall remain in effect until further order of court and supersedes, during its pendency, the Seventh Amended Administrative Order No.6-2020 dated September 22, 2020, but is not intended to rescind the order of September 22, 2020.

BY THE COURT:



Roger N. Nanovic, P.J.

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CLERK OF COURTS

FRIDAY

Michael TASCHLER - 1700 - CR-453-18
Negan CREVLING - 1700 - CR-954-19
Rand CHAPMAN - 1800 CR-534-19
Ewald KLOTZ - 1800 - CR 1417-19
Christopher RHYDER - 1800 CR-72-20
Daniel SCHALLER - 1800 CR-1339-15
Ephraim BLEW - 2100 CR-428-17
Leith WASHEIM - 2100 CR-650-20

Current W/E
AS of 11/20/20

Brett Badelio CR-42-20

William Weir CR-1280-19

Daniel Schaller CR-1339-19

Brad Boyer CR-926-19

Michelle Lucas CR-1695-17

Melissa Rahn CR-1276-19

Michael Crowell CR-171-19

Nicholas Yatsula CR-1404-17