

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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

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

THIRD AMENDED ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 27th day of April, 2020, the court having declared a Judicial Emergency in the 56th Judicial District of Pennsylvania on March 17, 2020 for the period from March 17, 2020 through April 14, 2020, which period was subsequently extended by order dated April 2, 2020 through Friday, May 1, 2020, pursuant to the authority contained in the Pennsylvania Supreme Court's order dated April 1, 2020, the Judicial Emergency in the 56th Judicial District is hereby extended through May 31, 2020, effective immediately, in accordance with the terms and conditions set forth in our previous administrative orders of March 17, 2020, March 24, 2020, and April 2, 2020 docketed to the above-referenced docket numbers, subject to the modifications and clarifications set forth below.

Essential Court Functions at the Common Pleas Level

1. In addition to the essential court functions enumerated in paragraph 1 of the March 24, 2020 and April 2, 2020 Administrative Orders, the following shall also be considered essential functions at the common pleas level:

- a. All criminal pleas, sentences and hearings on applications for ARD disposition of criminal matters;

- b. Child custody hearings where no final custody order has previously been entered (excluded are petitions for modification of a final custody order);
- c. Hearings before the support master on initial claims or requests for modification of child and spousal support; and
- d. Hearings and proceedings in Drug and Veterans Treatment Court.

General Directives

2. All in-person criminal pleas, sentences and hearings to consider ARD applications shall be scheduled to be held in Courtroom No.1 of the Carbon County Courthouse at one of the following staggered times: 9:00 A.M., 10:00 A.M., 11:00 A.M., 1:15 P.M., 2:15 P.M., and 3:15 P.M. As previously, where a defendant is incarcerated, defendants are encouraged to allow such proceedings to be conducted by advanced communication technology with all required paperwork (*i.e.*, written waiver, written guilty plea colloquy and notification of post-sentencing rights) to be completed in advance of the proceeding and made available at the time of the proceeding. Court Administration is directed to make every reasonable effort to arrange such pleas, sentencings and hearings on applications for ARD dispositions where the defendant is incarcerated by use of advanced communication technology. Due to the continuing danger of spreading COVID-19 between prisons and correctional facilities, requests for transportation of defendants from state correctional institutions or out-of-county prisons to the Carbon County Prison for defendants to appear in person in open court can not be accommodated.

3. The Call of the Criminal Trial List scheduled for May 26, 2020, criminal jury trials during the week of June 1, 2020, and criminal pretrials scheduled for May 4, 5

and 28, 2020, are hereby continued to a date to be rescheduled by Court Administration.

4. All partial physical custody hearings scheduled before the hearing officer for dates in May 2020, for which a final custody order has not previously been entered shall be held as scheduled. In order to maintain social distancing, these hearings will be held in a courtroom to be determined. Custody hearings before the hearing officer in those matters for which a final custody order exists and for which modification of custody is the issue, shall be rescheduled by Court Administration. All custody and divorce conferences scheduled before the master shall be held via conference call until further notice.

5. Hearings for child support or spousal support scheduled before the support master on dates in May 2020 shall be held as scheduled, and shall be conducted by advanced communication technology.

6. At all proceedings and hearings before a Court of Common Pleas Judge, Magisterial District Judge, custody hearing officer, or support master – including all proceedings where criminal pleas are received, sentencings are imposed and action is taken on pending ARD applications - at which parties, their counsel, victims, advocates, or witnesses appear in person, all such persons will be required to wear masks during the proceeding (unless a medical condition of which the court has been informed prevents the wearing of a mask and the presiding judicial officer excuses this requirement) and a social distancing of at least six feet will be enforced. No non-essential visitors, including children, shall be permitted to be present at such proceedings. Nor shall anyone be permitted to attend in person who has been directed to quarantine, isolate or self-monitor at home for COVID-19 by any doctor, hospital or

health agency, or anyone who has been diagnosed with or has had close contact with anyone diagnosed with COVID-19, or anyone who exhibits flu-like symptoms.

7. Unless otherwise indicated herein, or in our previous Administrative Orders with respect to the Declared Judicial Emergency and not inconsistent with the provisions of this order, all hearings, arbitrations, jury trials, non-jury trials, summary appeals, or other matters involving a non-essential case shall be re-scheduled by Court Administration or the administrative staff of each Magisterial District Judge, as appropriate, for a date after May 31, 2020, unless such matters can be scheduled through the use of advanced communication technology.

8. As previously authorized and encouraged by the Pennsylvania Supreme Court, the use of advanced communication technology to conduct both essential and non-essential court functions is encouraged and shall be so scheduled and proceed to the extent the same can be done effectively and efficiently, subject to constitutional limitations (e.g., management and status conferences to be held by phone or other communication technology).

9. Consistent with previous administrative orders in this matter, continuances – when good reason exists – shall be liberally granted by the Common Pleas Judges and Magisterial District Judges of this Judicial District.

Notice

10. Within twenty-four hours, the District Court Administrator shall ensure that a copy of this order is:

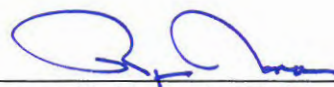
- a. Filed with the Prothonotary of the Supreme Court of Pennsylvania in the Middle District Office;
- b. Transmitted to the Court Administrator of Pennsylvania;

- c. Posted conspicuously on the entry doors of the Carbon County Courthouse and on 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 properly forward a copy to all members.

Effective Date

11. This Order is effective immediately and shall remain in effect through May 31, 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, Amended Administrative Order No. 6-2020 dated March 24, 2020, or the Second Amended Administrative Order No. 6-2020 dated April 2, 2020, conflict or are inconsistent with the terms of this Order, such provisions are hereby suspended and replaced by the terms of this Order; in all other respects the aforementioned Administrative Orders docketed to Order No. 6-2020 shall remain in full force and effect in accordance with their terms.

BY THE COURT:



Roger N. Nohovic, P.J.

FILED
2020 APR 27 P 3:53
CARBON COUNTY
CLERK OF COURTS