

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
SECOND JUDICIAL DISTRICT**

IN RE: LIMITED PUBLIC
ACCESS TO COURTS FROM
JANUARY 11, 2021 AT 8:00 AM
TO FEBRUARY 12, 2021 AT 5:00 PM

No. A.D. 3 - 2021
Supreme Court Docket No. 44 MM-2020

ADMINISTRATIVE ORDER

AND NOW, this 5th day of January, 2021, upon consideration of the Pennsylvania Supreme Court's May 27, 2020 Order specifically empowering President Judges to continue local declarations of emergency, and consistent with this Court's Orders of March 17, 2020, April 1, 2020, April 24, 2020, May 26, 2020, June 19, 2020, August 14, 2020, October 19, 2020, December 4, 2020, and December 11, 2020, it is hereby ORDERED as follows:

1. Beginning Monday, January 11, 2021 at 8:00 a.m., the Court of Common Pleas of the 2nd Judicial District, Lancaster County, and all Magisterial District Judge Offices will be CLOSED TO THE PUBLIC except for the emergency proceedings outlined below in Paragraph 3.

2. This closure shall remain in place until February 12, 2021 at 5:00 p.m.; however, re-evaluation shall be conducted near the conclusion of that time period.

3. The following Court proceedings are deemed to be emergency in nature and will be handled in person *only if there is no other alternative*:

- a. Preliminary Emergency Injunctions or Temporary Restraining Orders;
- b. Mental Health 302 Commitments;
- c. Posting/Modification/Revocation of Bail;
- d. Bench Warrants and Detainer Hearings (Pa.R.Crim.P. 150);
- e. Emergency Protection From Abuse *Ex Parte* Proceedings;
- f. Domestic Relations Office Bench Warrant Hearings;
- g. Emergency Custody Petitions;
- h. Emergency Juvenile Delinquency Hearings;
- i. Emergency Dependency Hearings (as set by previous Order);
- j. Emergency Guardianships;
- k. Warrants;
- l. Indirect Criminal Contempt Arraignments;

- m. Preliminary Arraignments whenever a warrant of arrest is executed within the judicial district pursuant to Pa.R.Crim.P. 516;
- n. Preliminary Arraignments whenever a case is initiated by an arrest without a warrant pursuant to Pa.R.Crim.P. 519(A)(1); and
- o. Preliminary Hearings where the defendant is incarcerated; provided, said hearings shall be heard in the Magisterial District Court of origin in accordance with Pa.R.Crim.P. 540, and the defendant shall participate in said hearing by video.
 - i. Defense counsel shall make all reasonable efforts in advance of the scheduled hearing date to ascertain whether the defendant will choose to exercise his or her right to a preliminary hearing. Defense counsel shall then promptly confer with the assigned Assistant District Attorney so that appropriate arrangements for remote testimony can be effectuated and communicate same to the Magisterial District Court.
 - ii. In the event counsel, affiant(s), witnesses and/or victims cannot participate remotely, the case shall proceed to be heard with all/some parties present in the Magisterial District Court during a designated Criminal Block with the defendant participating remotely.

If a proceeding needs to be scheduled for one of the categories listed above, parties and/or attorneys are to call Court Administration at 717-299-8041 or contact the Magisterial District Court for filing instructions and scheduling information.

- 4. Walk-in bench warrants will not be handled.
- 5. Criminal jury trials scheduled through February 12, 2021 are cancelled.
- 6. Indirect Criminal Contempt (ICC) complaints will not be accepted by private petition. ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using advanced communication technology. If a defendant is detained, a bail hearing shall be held before the Judge assigned to hear the Temporary Protection from Abuse Petitions.
- 7. Hearings on ICC Complaints are suspended until further Order of Court, unless the assigned Judge determines they can be handled using advanced communication technology.
- 8. All Criminal Status Conferences scheduled through February 12, 2021, shall be conducted by telephone or advanced communication technology. All status conferences involving *pro se* litigants are continued to the next regularly scheduled Status Conference for the assigned Judges.

9. All Calls of the Criminal Trial List scheduled through February 12, 2021, shall be conducted by telephone or advanced communication technology. All matters involving *pro se* litigants are continued to the next regularly scheduled Call of the List for the assigned Judges.

10. All other court proceedings shall be conducted by telephone or advanced communication technology pursuant to any protocol for teleconference hearings established by the presiding judge. Except for the emergency proceedings set forth above in Paragraph 3, if such proceedings cannot be conducted utilizing telephonic or advanced communication technology they shall be continued.

11. The duration of an order granting a temporary *ex parte* Protection From Abuse petition and scheduling a final hearing pursuant to 23 Pa.C.S.A. § 6107(b) shall be extended such that the date of the hearing pursuant to 23 Pa.C.S.A. § 6107(a) shall be extended from ten business days to the commencement of the hearing on the Temporary Order.

12. All final Protection From Abuse hearings previously scheduled pursuant to 23 Pa.C.S.A. § 6107(a) for a date between January 11, 2021, and February 12, 2021, are continued until after February 12, 2021, and shall be rescheduled by the presiding Judge, and all temporary orders remain in effect until further Order of Court.

13. The duration of an order appointing an Emergency Guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513 shall be extended from 72 hours to a later scheduled hearing on the Permanent Guardianship.

14. All filings with the Clerk of Court, Prothonotary, and Register of Wills/Orphans Court shall be by mail (or electronically where available) except for emergency matters which may be done in person.

15. New Landlord/Tenant filings submitted by mail (or electronically where available) to the Magisterial District Courts will be accepted but all proceedings will be stayed.

16. Payments of fines and costs for cases pending before a Magisterial District Judge will not be accepted at the Magisterial District Courts and shall only be made online at <https://ujportal.pacourts.us/PayOnline.aspx>.

17. The Magisterial District Judges shall post on their entry doors the dates of the closure, the telephone and fax numbers for the office, as well as the link to the site where the individuals can submit electronic payments.

18. Time limitations for the initiation of any action or filing of any pleading or document applicable by statute, rule of court, or court order for all filings at the Lancaster County Prothonotary's Office, the Clerk of Courts Office, the Register of Wills/Orphans Court, and the Domestic Relations Office are extended until February 15, 2021; any filing required by statute, court order, or order of court prior to that date shall be considered timely filed if filed on or before the close of business on February 15, 2021.

19. Statewide rules pertaining to the rule-based right of criminal defendant to a prompt trial continue to be suspended. Any postponement due to this Order shall be considered a Court delay and shall constitute excludable time for purposes of the application of Pennsylvania Rule of Criminal Procedure 600.

20. The Lancaster County Sheriff and his deputies shall enforce a single entry point for all County employees and visitors through the Courthouse entry on Duke Street from 7:30 a.m. to 5:00 p.m.

21. Public access to the Lancaster County Court Facilities shall be limited exclusively to parties, witnesses, victims and/or attorneys in those cases that have not otherwise been continued.

22. News media shall be permitted into court facilities but only in a manner that is consistent with public safety.

23. Sheriff's Deputies assigned to the Courthouse and any court facility are authorized to deny admission to or to remove any person who is visibly ill or who is exhibiting symptoms of COVID-19, provided that they provide such person with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during this period.

24. Individuals permitted access to **any Court facility** will be required to maintain appropriate social distancing of at least six feet, to wear protective face masks or appropriate face coverings in common areas, to comply with all safety directives provided by the Court or County staff, and to adhere to the November 17, 2020 *Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings*.

25. This Administrative Order applies only to those courts, offices, and departments under the jurisdiction of the President Judge, and is not intended to prohibit access to

other court-related offices in the Lancaster County Courthouse by those members of the public who are unable to conduct their official business by means other than in person.

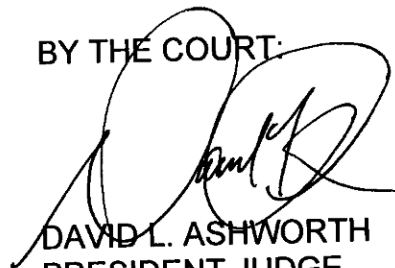
26. The exclusive purpose of this Order is to promote and protect the health, safety and welfare of court personnel, court users and the public, and the policies will be modified as circumstances warrant.

27. All coronavirus related safety precautions, protocols, and requirements previously described in this Court's prior Administrative Orders will continue to remain valid and applicable to Lancaster County Court operations.

28. Detailed protocols for the handling of matters in each division of the Court of Common Pleas are provided on the Court's website.

29. This Administrative Order shall be effective immediately and shall remain in effect through February 12, 2021, or until further order of this Court.

BY THE COURT:



DAVID L. ASHWORTH
PRESIDENT JUDGE

ATTEST:

Rhonda F. Allen
Ch. Dep

Copies to:

Lancaster County Board of Judges
Lancaster County Magisterial District Judges
Lancaster County District Court Administrator
Lancaster County Adult Probation & Parole Services
Lancaster County Children and Youth Social Service Agency
Lancaster County Clerk of Courts
Lancaster County Clerk of the Orphans' Court
Lancaster County District Attorney
Lancaster County Domestic Relations
Lancaster County Juvenile Probation
Lancaster County Law Library
Lancaster County Office of Official Court Reporter
Lancaster County Prison
Lancaster County Prothonotary
Lancaster County Public Defender
Lancaster County Register of Wills
Lancaster County Sheriff
Lancaster County Board of Commissioners
Lancaster County Solicitor
Lancaster County Municipal Police Departments
Pennsylvania State Police