

JUVENILE DEPENDENCY AND JUVENILE DELINQUENCY HEARINGS
Case Handling Procedures in Compliance with President Judge Shawn D. Meyers' Sixth
Supplemental Emergency Judicial Order Dated May 1, 2020

President Judge Shawn D. Meyers entered an Emergency Judicial Order on May 1, 2020 that extended the judicial emergency in the 39th Judicial District until June 1, 2020. The order provided in pertinent part that from May 1 until May 11, 2020, in-person access to the court shall be strictly limited to those specifically identified in the Pennsylvania Supreme Court Order of April 28, 2020 as performing essential functions or as also identified as performing essential functions in the five prior 39th Judicial District emergency orders. The order further provided that on May 11, 2020, all courts will begin to hear all cases on the docket, provided no in-person proceedings will be conducted in a way that would violate social distancing requirements or that would violate the CDC recommended guideline that no more than 10 persons shall be present in any courtroom or hearing room at a given time until the limits are expanded by subsequent orders of court.

In compliance with a directive of President Judge Shawn D. Meyers, this memorandum outlines case handling procedures in juvenile hearings held before the Juvenile Court Hearing Officer.

Who will schedule hearings before the Juvenile Court Hearing Officer?

Juvenile dependency cases are currently scheduled by designated staff of Franklin County Children and Youth Service (CYS). Juvenile delinquency cases are currently scheduled by designated staff of the Juvenile Probation Department (JPO). CYS and JPO will continue to schedule hearings before the Juvenile Court Hearing Officer, in consultation with other parties when appropriate, and based on guidance of the Administrative Judge of the Juvenile Court.

What kind of hearings can be scheduled before the Juvenile Court Hearing Officer?

In juvenile dependency matters, shelter care hearings, adjudication hearings and permanency review hearings can be scheduled before the Juvenile Court Hearing Officer. In juvenile delinquency matters, detention hearings, adjudication hearings and Dispositional Review Hearings may be scheduled before the Juvenile Court Hearing Officer. CYS and JPO will continue to exercise broad discretion with respect to the scheduling of these hearings before the Juvenile Court Hearing Officer, based on consultation with other parties and the guidance of the Administrative Judge of the Juvenile Court.

Who may participate in hearings before the Juvenile Court Hearing Officer via video conferencing and audio technology?

The Juvenile Court Hearing Officer will appear in person at all scheduled hearings. All other participants may participate via videoconference and audio and are strongly encouraged to do so.

What remote participation options are currently available?

Google Meet conferencing, Zoom and telephones are currently being used for remote participation purposes. These options will continue to be used.

Who will be responsible for arranging for remote participation in hearings before the Juvenile Court Hearing Officer?

At present, all arrangements for remote participation are made by designated staff of CYS and JPO. This will remain the practice.

Will parties have the option of requesting continuances based on the perceived limitations of remote hearings?

It is possible that a party in a hearing before the Juvenile Court Hearing Officer may believe that the complexity of the issues in the case, the anticipated number of participants and the contentious nature of the issues involved may present barriers to a fair hearing if full in-person participation is not permitted. Under these circumstances, a party may request a continuance so that an in-person hearing, with appropriate social distancing precautions, can be scheduled before the Juvenile Court Hearing Officer. In the alternative, a party may demand that the hearing be continued and heard by a Juvenile Court Judge. The issue of in-person participation can then be determined by the Juvenile Court Judge.

How will social distancing be enforced in hearings before the Juvenile Court Hearing Officer?

The private nature of most juvenile hearings, coupled with the policy of affirmatively encouraging remote participation in hearings, will ensure that any potential breach of the court's social distancing guidelines will be rare. However, in the event of a potential breach, the Juvenile Court Hearing Officer will take corrective measures. These measures may include requesting participants who are present solely to observe the proceedings to leave the hearing complex. Participants who intend to testify may be directed to wait in the lobby area and other areas of the hearing complex prior to their testimony if such a directive does not violate due process. If multiple hearings are scheduled in close proximity of time, participants in upcoming hearings may be requested to wait outside the hearing complex until the time of their hearing. In cases where none of these measures are sufficient, hearings may be continued to another date. It bears repeating that it is unlikely that any of the above outlined measures will be needed in juvenile court proceedings before the Juvenile Court Hearing Officer.

Who should be contacted for additional information or clarifications?

Depending on the nature of the inquiry, the Juvenile Court Hearing Officer, CYS or JPO can be contacted for additional information or clarifications. Each of the entities will either respond to your enquiries or route you to the appropriate entity.