IN THE COURT OF COMMON PLEAS FOR THE 39TH JUDICIAL DISTRICT Franklin County and Fulton County Branches

2020-1129

In Re: 39th Judicial District : Emergency Judicial Order

PROTHONOTARY FRANKLIN COUNTY PA
2020 APR -9 AM 8:49
TIMOTHY S SPONSELLER PROTHONOTARY DEPUTY

Fourth Supplemental Emergency Judicial Order confirming extension of Judicial Emergency through April 30, 2020 and Amending Prior Orders to Permit Additional Essential Proceedings Before the Court and to Govern the Conduct of Counsel and Any Persons Appearing in a Courtroom

AND NOW this 9th day of April, 2020, in accordance with the Order of the Supreme Court of Pennsylvania dated March 18, 2020, directing that all Pennsylvania Courts are generally closed to the public, beginning at close of business on March 19, 2020 and lasting through, at least April 3, 2020, subject to General and Specific Directives and Exceptions set forth therein;

AND WHEREAS, the Chief Justice of the Pennsylvania Supreme Court Thomas Saylor, previously issued an order on March 16, 2020 authorizing this Court to declare a Judicial Emergency;

AND WHEREAS, the undersigned President Judge for the 39th Judicial District did declare a Judicial Emergency for the 39th Judicial District comprised of Franklin County, Pennsylvania and Fulton County, Pennsylvania by Order of Court dated and filed March 18, 2020;

AND WHEREAS, the Judicial Emergency Order for the 39th Judicial District dated March 18, 2020 implemented General and Specific Directives and Exceptions regarding access to the Courthouses and Court facilities within the Judicial District, the suspension or continuance of Court proceedings, the permission to conduct emergency proceedings in order to protect the interest of the disabled, victims of abuse, minors and juveniles and other rights guaranteed to criminal defendants constitutionally;

AND WHEREAS, the March 18, 2020 Judicial Emergency Order was filed with the Court Administrator for the Commonwealth of Pennsylvania, Geoff Moulton and distributed as required by Supreme Court Order and posted on all Courthouse doors;

AND WHEREAS, the Chief Justice of the Pennsylvania Supreme Court, Thomas Saylor has determined that "significant and material events have transpired since the

ATTEST A TRUE COPY
TIMOTHY S. SPONSELLER PROTHONOTARY

prior orders were filed", including federal government guidance suggesting an immediate need for extraordinary nationwide measures and a letter request from the Pennsylvania Secretary of Health urging the Pennsylvania Supreme Court to consider statewide closure of the Courts, except for essential services, for a period of approximately fourteen days in order to further restrict the amount of person to person contact and mitigate the spread of COVID-19;

AND WHEREAS, the Chief Justice of the Pennsylvania Supreme Court in response to the reasons outlined above issued an order March 18, 2020 directing that all Pennsylvania Courts are generally closed to the pubic beginning at the close of business on March 19, 2020 and lasting through at least April 3, 2020, subject to the General and Specific Directives and Exceptions;

AND WHEREAS this Court issued a Supplemental Judicial Emergency Order dated March 19, 2020 which incorporated and adopted in full the Order of Court issued by Chief Justice Thomas Saylor, dated March 18, 2020 and confirmed that the Courts of the 39th Judicial District are generally closed to the public beginning at the close of business March 19, 2020 and lasting through at least April 3, 2020, subject to certain modifications, which are not inconsistent with the March 18, 2020 Order of Court issued by Chief Justice Thomas Saylor, but are consistent with the prior Emergency Judicial Order dated March 18, 2020 entered by this Court;

AND WHEREAS, this court issued a Second Supplemental Order identifying additional matters that could be heard by the court as part of essential court functions:

AND WHEREAS, this court issued a Third Supplemental Order Extending the Judicial Emergency to April 14, 2020;

AND WHEREAS, the Chief Justice of the Pennsylvania Supreme Court has issued an order extending the judicial emergency through April 30, 2020;

AND WHEREAS, this court has identified additional actions that it needs to take since the entry of the Third Supplemental Order on March 30th, 2020 to extend the Judicial emeregency, extend the handling of certain matters and provide further direction and guidance to individuals and counsel who enter the court house and participate in proceddings in the courtrooms of the courthouses and court facilities in Franklin and Fulton Counties.

IT IS HEREBY ORDERED that

The Judicial emergency in the 39th Judicial District is hereby extended through April 30, 2020.

It is hereby ordered that **Paragraph 4.** of this Court's Emergency Order dated March 18th, 2020 is hereby amended to include a subparagraph j. which shall read as follows:

The Undersigned having determined that the welfare, safety and security of children is an essential function of the judiciary, IT IS FURTHER ORDERED that the presiding judge in the Orphans' Court Division may, in their discretion, schedule and hold proceedings involving the Children and Youth Services Agency including, but not limited to: involuntary termination of parental rights, confirmation of consent to adoption, adoption, and related proceedings. Any such proceeding shall conform to the standing directives of the Supreme Court of Pennsylvania and the Undersigned.

Paragraph 7. of this Court's Emergency Order dated March 18th, 2020 is hereby amended to add the following paragraphs and amend the paragraph regarding Good Wolf Treatment Court as follows:

Regarding Miscellaneous Criminal Court: For the duration of the Judicial Emergency, Miscellaneous Criminal Court typically held on Wednesdays in franklin County shall be held on Thursdays. Miscellaneous criminal court will only be held for individuals incarcerated in the Franklin County Jail. All incarcerated individuals shall appear via video conference.

Regarding Central Court: For the duration of the Judicial Emergency, Central Court typically held on Tuesdays in Franklin County shall be held on Mondays. Central Court proceedings will only be held for individuals incarcerated in the Franklin County Jail. All incarcerated individuals shall appear via video conference.

Any person detained or incarcerated in a State Correctional Facility and who has a matter that is the same or similar to the matters being disposed of via videoconference in Franklin County, (including but limited to, mandatory arraignment, plea, plea & sentence, violation and/or sentence, post-sentence hearing), may appear before the court using video technology on a day other than Monday and Thursday, and only upon the filing of a motion and by express approval by the court. In order to avoid unnecessary travel to Fulton County, similar hearings can be held in Fulton County provided videoconferencing can be secured to the presiding judge's satisfaction.

Good Wolf Treatment Court. The Court, recognizing that treatment court programs are designed for intensive involvement of professionals in the supervision, treatment, and rehabilitation of participants, and the need for such professional involvement is heightened during times of crisis to facilitate the participants' rehabilitation, and are therefore an essential proceeding,

IT IS FURTHER ORDERED that the presiding judge of the Good Wolf Treatment Court may, in their discretion, schedule and conduct all judicial proceedings and staffing

meetings related to that program, consistent with the standing directives of the Supreme Court of Pennsylvania and the Undersigned.

The presiding judge or judges of Good Wolf Treatment Court may schedule and conduct any proceeding as to any participant who is incarcerated in the Franklin County Jail including but not limited to, removal proceedings, revocation of bail, arraignment, plea, sentence or re-sentence as an essential court function and consistent with the Court's policy of disposing cases of defendants and detainees in the Franklin County Jail.

So long as attorneys are abiding the Governor's stay-at-home orders and can conduct settlement, status, argument or other similar matters without the need of operation of their offices, and travel to the court, the court will be available via audio or videoconference to schedule and preside over such matters, upon the filing of a motion and approval by the court.

Conduct in the courthouse by persons appearing for court. Upon entry into the courthouse, all persons shall observe social distancing of at least 6 feet, unless granted specific permission by the individuals in your immediate area to encroach within that 6 foot area. No one may enter an office without express permission by at least one employee

In the courtroom, no more than 2 two attorneys from the same law office or firm, prosecutor's or public defender's office may be present at the same time and shall observe rules of social distancing as instructed by the presiding judge. No attorney or person may approach the bench without the judge's approval. No attorney shall approach opposing counsel or any other person without the express permission of that person and approval by a judge. If a judge directs counsel to comply with social distancing, they shall comply or be charged with contempt of court. Parties shall use all available furniture in the courtrooms including the podiums and tables to place papers, walk away an allow opposing counsel or the self- represented party to retrieve and review the paper work without breaking the social distancing rules. Any attorneys who have a case on the docket shall remain in the hallways adjacent to the courtroom, observing social distancing. If they have offices in the courthouse they cannot remain in or return to their office and shall remain immediately ready to enter the courtroom when summoned by the court.

BY THE COURT
Signed: _____ P.J.

Dated: April 9, 2020

Dist: CA

Hon. Angela Krom

Hon. Jeremiah Zook

Hon. Todd Sponseller

Hon. Mary Beth Shank