

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

IN RE: TEMPORARY RESTRICTIONS : EMERGENCY ORDER NO. 2020-03
ON OPERATIONS OF THE :
COURT OF COMMON PLEAS :
AND MAGISTERIAL DISTRICT :
COURTS OF THE SEVENTH :
JUDICIAL DISTRICT DUE TO :
EXIGENT CIRCUMSTANCES :
CREATED BY COVID-19 :

ORDER

AND NOW, this 19th day of March, 2020, in light of the Pennsylvania Supreme Court Order docketed at Nos. 531 and 532 Judicial Administrative Docket filed on March 18, 2020, the previous Orders issued by this Court (Emergency Order 2020-01 and 2020-02) are hereby modified as follows:

All courts in the Seventh Judicial District (Common Pleas Court and Magisterial District Courts) are, EXCEPT for the directives and exceptions listed below, CLOSED to the public beginning at close of business on March 19, 2020 and lasting through at least April 14, 2020. The hours of operation for the Common Pleas Court will be 9:00 a.m. to 2:00 p.m., Monday through Friday, effective Monday March 23, 2020 for the duration of this Order.

I. Specific Directives and Exceptions

The Directives below allow for in-person court proceedings in some emergency matters as specified for each category of courts. This Court DIRECTS that, to the extent possible, any interaction between court personnel and anyone else involved in the proceeding be undertaken consistent with federal guidance - including that provided by the Centers for Disease Control and Prevention - such as social distancing, the disinfection of surfaces, and the wearing of a facemask by an infected person.

II. Courts of Common Pleas

1. Court facilities in the Seventh Judicial District, EXCEPT for essential functions, shall be CLOSED to the public. Those essential functions include:

- a. emergency bail review and habeas corpus hearings;
- b. Gagnon I hearings;
- c. bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- d. juvenile delinquency detention;
- e. juvenile emergency shelter and detention hearings;
- f. temporary protection from abuse hearings;
- g. emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. emergency petitions for guardianship;
- i. civil mental health reviews, see 50 P.S. §7302;
- j. emergency equity civil matters (injunctions and stays);
- k. Older Adult Protective Services hearings;
- l. any pleading or motion relating to public health concerns and involving immediate and irreparable harm; and
- m. any other function deemed by a President Judge to be essential consistent with constitutional requirements.

2. All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant, or other participant in any non-essential case are hereby continued or postponed until further order of this Court.

3. Jury and non-jury trials, both criminal and civil, are SUSPENDED and will be scheduled for a date in the future by the courts.

4. Jurors SHALL NOT REPORT for jury duty on or before April 14, 2020.

5. Unless otherwise required herein, any in-person pretrial conference, case management conference, status conference, court ordered mediation, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, is hereby postponed until a future date to be set forth by the courts. To the extent that such matters may be handled through advanced communication technology consistent with constitutional limitations, THEY MAY AND SHOULD PROCEED.

6. Bail review requests and requests for habeas corpus SHALL BE REVIEWED on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

7. Hearings on essential functions SHALL BE HELD in courtrooms designated by the court of common pleas to minimize person-to-person contact.

III. IMPORANT NOTICE – Suspension of Time Calculation

Pursuant to Supreme Court Order of March 18, 2020, docketed at Nos. 531 and 532 Judicial Administration Docket, **“unless otherwise indicated herein, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are SUSPENDED through April 3, 2020, subject to additional orders of this Court. This suspension SHALL OVERLAP with suspensions already granted by the President Judge, and any longer suspensions directed by a local or appellate court shall remain extant on their own terms. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020, and April 3, 2020, SHALL BE DEEMED to have been timely filed if they are filed by April 6, 2020, or on a later date as permitted by the appellate or local court in question upon consideration of the potential volume of such filings.”**

IV. Magisterial District Courts

1. All Magisterial District Courts in the Seventh Judicial District shall, EXCEPT for essential functions, be CLOSED to the public. Those essential functions include:

- a. preliminary arraignments (bail setting) forailable cases;
- b. criminal case filings and subsequent processing;
- c. preliminary hearings for incarcerated persons only;
- d. issuance of search warrants;
- e. emergency protection from abuse petitions; and
- f. any other function deemed by the President Judge to be essential consistent with constitutional limitations.

2. Advanced communication technology or closed-circuit video technology SHALL BE USED to complete as many of these functions as practicable consistent with constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3. All other cases pending in these courts are POSTPONED.

4. Payments rendered to the Magisterial District Courts SHALL NOT BE MADE IN PERSON but may be accepted by mail, electronically (online), or by telephone as may be permissible in the Magisterial District Court receiving the payment.

5. In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District Court SHALL ISSUE a hearing notice scheduling a payment determination hearing to be held after April 14, 2020, or such date as shall be subsequently specified. Such missed payment or default SHALL NOT RESULT in the issuance of an arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

V. Landlord/Tenant

In addition to the above, this Court is aware that the economic consequences of the COVID-19 pandemic may cause individuals to suffer a loss of income, which in turn may delay rent payments, mortgage-loan payments, or the like- including payments to be made by individuals who may be under self-imposed quarantine or who may otherwise be either carrying the virus or vulnerable to infection. In light of these circumstances, it is further DIRECTED that, during the period encompassed by this Order or the judicial emergency, whichever is longer, no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed to a date after April 14, 2020, subject to further orders.

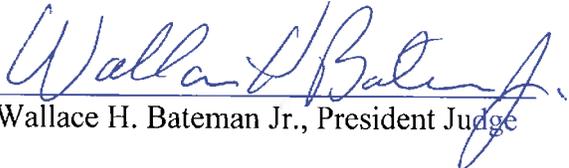
VI. Prompt Trial

It is further DIRECTED that Rule of Criminal Procedure 600(C) is hereby SUSPENDED in the Seventh Judicial District during the period of the statewide judicial emergency. The purport of this directive is that the time period of the statewide judicial emergency SHALL BE EXCLUDED from the time calculation under Rule 600(C). Nothing in this Order shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions- albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

VII. Specific Provisions for Protection from Abuse Matters

1. It is further ORDERED AND DIRECTED that, for purposes of hearings pursuant to 23 Pa. C.S. Section 6107 of the Protection from Abuse Act, all time from the date of this Order until April 14, 2020 shall not be considered business days.
2. Any Orders granting temporary relief under the Protection from Abuse Act entered prior to April 14, 2020 shall schedule a further hearing on the matter for April 15, 2020.
3. Any Orders granting hearings under the Protection from Abuse Act entered prior to April 14, 2020 that do not contain or accompany an Order granting emergency or temporary relief pending the hearing shall schedule a hearing for April 22, 2020.
4. Any Order previously entered that schedules a hearing under the Protection from Abuse Act is hereby amended to change the date of the hearing set forth in that Order to the date of April 15, 2020.
5. Any Order previously entered that granted temporary relief under the Protection from Abuse Act which expires between March 19, 2020 and prior to April 15, 2020 is hereby extended to April 15, 2020.
6. Temporary Protection from Abuse processing will stop as of 1:00 p.m. daily.
7. No permanent PFA hearings will be held during the duration of this Order.

BY THE COURT:


Wallace H. Bateman Jr., President Judge