

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : **PA SUPREME COURT NO. 30 MM 2020**
:
Family Section Cancellations and :
Revised Scheduling Protocols :
*Extended*¹ : **DELAWARE COUNTY NO. 5120-17**

EMERGENCY ORDER EXTENSION – FAMILY SECTION²

AND NOW, this 9th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,³ as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the family liaison judges, that the attached family section cancelation and/or revised scheduling protocols⁴ **SHALL** become **EFFECTIVE IMMEDIATELY** and continuing through and including **APRIL 30, 2020**.⁵

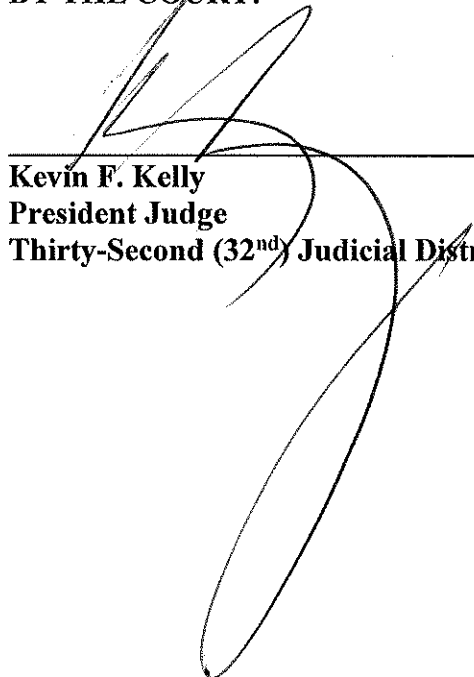
Additionally, **ALL** calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are within this judicial district (32nd – Delaware County) **SUSPENDED**, subject to applicable to constitutional restrictions, if any.⁶

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but

not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁷

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Emergency Order – Family Section dated March 20, 2020.

² This court by a separate and subsequent emergency extension order will also address and detail those additional family section cancelations and/or revised scheduling protocols pertaining to matters of juvenile dependency and/or delinquency yet necessitated by the ongoing and still growing COVID-19 public health crisis. *See generally* Emergency Declaration dated March 17, 2020, and Emergency Declaration Extension dated April 2, 2020.

³ See Pa.R.J.A. No. 1952(B)(1)(2). *See also* Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; and April 1, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket; Emergency Declaration dated March 17, 2020; and Emergency Declaration Extension dated April 2, 2020.

⁴ See Family Section Emergency Cancelation and Revised Scheduling Protocols. A copy of this protocol is attached and wholly by reference incorporated.

⁵ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q).

⁶ See Orders dated March 16, 2020, p. 2; March 18, 2020, p. 4; and April 1, 2020, p. 3 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. *See also* Pa.R.J.A. No. 1952(B)(2)(l)(m).

⁷ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket.

Delaware County Court of Common Pleas Family Section
Family Section Emergency Cancellations and Revised Scheduling
Protocols Extended

Family Motion Conference Judge

The Motion Judge will continue during regular business hours to hear at the Delaware County Court House Petitions for Temporary Protection from Abuse Orders.

The Motion Judge will also continue to conduct by video conferencing as needed seventy-two (72) hour Domestic Relations hearings.

Protection from Abuse Hearings

Temporary Protection from Abuse Petitions can continue to be filed with the Delaware County Judicial Support Office and heard by the Motion Judge as noted above according to the usual court practice. (Again, per common court practices, Magisterial District Justices remain available for review of temporary protection from abuse applications after hours and weekends through a telephone call to the local police or dialing 911.)

It is the court's current intention to make every reasonable effort to schedule and attempt to hold hearings on final protection orders as soon as safely possible and assuming the same, consistent with its usual weekly scheduling of such matters. Cases that have children as protected parties and/or evict a respondent from his or her residence will be given priority consideration for hearings within the ten (10) day normal scheduling.

The Protection from Abuse Master until further notice will not sit.

Emergency Petitions

From the present through and including April 14, 2020, ***no family section emergency pleadings may be filed with the Delaware County Judicial Support Office, except those for child custody.*** If filed, emergency custody matters for review will continue to be forwarded to the assigned judge or should there in a given case currently be no judicial assignment, such lodgings will then trigger an assignment to a family section judge to whom the emergency pleadings will be promptly submitted. The involved judge will first attempt to settle the dispute by an of-record telephone conference with the attorneys and/or self-represented parties prior to scheduling a hearing. Failing the interested parties reaching some conference agreement, the assigned judge ***may*** schedule a court hearing, but ***only*** as to those petitions which he or she believes constitute true emergency circumstances. To the maximum extent possible, all emergency hearings will be held through some type(s) of available advanced communication

technology. Any in-person hearing the presiding judge deems absolutely necessary must be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with Centers for Disease Control and Prevention guidelines, including but not limited to social distancing and surface area disinfection.

Pretrial-Case Management Conferences

No *in-person* pretrial - case management conferences of any type will be scheduled. Judges instead will hold pretrial conferences by various advanced technological means, including but not limited to telephone, with counsel and/or self-represented parties. As the presiding judge believes appropriate the same may be of-record. The lawyers and any self-represented parties are expected to meaningfully participate in these conferences and make every good faith effort to resolve the issues.

Equitable Distribution Masters

All matters pending before the equitable distribution masters will be continued until further notice.

Custody Masters

All matters listed before the custody masters until further notice will be continued.

No Custody Trials until further notice.

No Family (Special Relief) List Days until further notice.

No Domestic Relations Contempt or Appeals listings until further notice.