

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Extension of Magisterial District :
*Courts' Limited Operations*¹ : DELAWARE COUNTY NO. 5120-17

**EMERGENCY ORDER EXTENSION and AMENDMENT – MAGISTERIAL DISTRICT
COURT OPERATIONS**

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,² 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 Magisterial District Court Administrator that the following magisterial district court cancelations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **APRIL 30, 2020**.³

ALL magisterial district court facilities in Delaware County (32nd judicial district) **SHALL** remain closed to the public.⁴

ALL calculations for purposes of time computations relevant to magisterial district court cases and/or other magisterial district judge business, as well as time deadlines, are within this judicial district (32nd) **SUSPENDED**, subject to applicable constitution restrictions, if any.⁵

Magisterial District Judges in the 32nd judicial district (Delaware County) **SHALL** between the present and April 30, 2020, be available to conduct criminal preliminary arraignments as the attached

schedule directs.⁶ **ALL** criminal preliminary arraignments **SHALL** be conducted via video conferencing **ONLY** and relatedly **NO** arrestees and/or prisoners **SHALL** be permitted in and/or about any 32nd judicial district (Delaware County) magisterial district court facility.⁷

Magisterial District Judges in Delaware County (32nd judicial district) **SHALL** as of the present until and including April 30, 2020, be available after hours, on weekends and/or holidays, as well as any such other times this court may subsequently direct, to review and decide per the attached coverage schedule emergency protection from abuse applications.⁸ **ALL** such emergent protection abuse requests **SHALL** be addressed by the covering magisterial district judge through some type advanced communication technology, including but not limited to video conferencing, FaceTime, Skype, Polycom, Zoom, *etc.*, and while a technological means allowing for both visual and audio capabilities is preferred, telephonic or audio only emergency protection from abuse hearings **SHALL** be **PERMITTED** should a combined audio and visual connection between the applicant and Magisterial District Judge not be reasonably available.⁹ Beyond **ALL** emergent protection from abuse requests being received by the covering magisterial district judge through some means of advanced communication technology, the balance of the attached Temporary Protocol for Emergency PFA Applications ... **SHALL** otherwise be followed, including but not limited to as agreed by, *inter alia*, the Delaware County Police Chiefs Association that salient law enforcement agencies will facilitate needed contact between a protection from abuse applicant and the on duty Magisterial District Judge, promptly provide the petitioner a copy of the protective order the magisterial district court may issue, and/or timely make efforts to serve the named respondent with the emergent order of protection.¹⁰

Magisterial District Judges **SHALL** also be reasonably available as requested by law enforcement personnel to review and process both criminal complaints as well as arrest and/or search warrant applications.

Recognizing relisting such next appropriate proceedings addressing certain minor matters pending before this judicial district's (Delaware County) magisterial district courts will expedite the release of persons jailed at the George W. Hill Correctional Facility (Delaware County Prison) and/or a state correctional institution who are otherwise eligible for discharge from custody, but for some summary traffic and/or non-traffic matters, the administrative office of magisterial district courts on being notified about any such cases by a penal authority **SHALL** administratively rescind **PROMPTLY** any warrant and/or detainer stemming from an open summary traffic and/or non-traffic matter, as well as related to the payment of fines and/or costs attendant to a summary traffic and/or non-traffic case, and schedule a hearing regarding the same before the magisterial district court of jurisdiction on a date and time certain subsequent to September 1, 2020.¹¹


The office of the magisterial district court administrator **SHALL** cause notices to be timely displayed visibly about every magisterial district court facility within the 32nd judicial district (Delaware County) notifying the public how fines, costs and/or restitution may be paid online, as well as about the online posting of bail funds.

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).¹²

BY THE COURT:



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



¹ See Emergency Order – Magisterial District Courts Operations dated March 18, 2020.

² 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.

³ See Pa.R.J.A. No. 1952(B)(2)(a)(d)(f)(g)(h)(k)(l)(n)(o)(q).

⁴ See Order April 1, 2020, pp. 2 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(q).

⁵ See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4-7; and April 1, 2020, pp. 3, 4, 5 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(l)(m).

⁶ See Delaware County MDJ Coverage Schedule. A copy of this schedule is attached and wholly by reference incorporated. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q).

⁷ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4-5, 7-8; and April 1, 2020, pp. 2, 4, 5 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(k)(n)(q). Attached and wholly incorporated by reference is the newly implemented Protocol for Video Arraignments with Temporary Booking Facility.

⁸ See Attached Delaware County MDJ coverage schedule. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q); Orders dated March 16, 2020, p. 3; March 18, 2020, pp. 6-7; and April 1, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket.

⁹ See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; and April 1, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q) and attached Delaware County MDJ Coverage Schedule.

¹⁰ See Temporary Protocol for Emergency PFA Application During COVID-19 Emergency. A copy of this interim protocol is attached and wholly by reference incorporated. See also Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-8; and April 1, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket; and Pa.R.J.A. No. 1952(B)(2)(d)(f)(k)(q).

¹¹ See *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court, No. 70 MM 2020 – Order dated April 3, 2020. See also Pa.R.J.A. No. 1952(B)(2)(d)(g)(h)(k)(l)(q).

¹² 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.



**COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES**

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April 8, 2020

Protocol For Video Arraignments With Temporary Central Booking Facility

1. As previously noted, in order to accomplish the Video Arraignments with the Magisterial District Courts, the following will be required at the Temporary Central Booking Facility (TCBF) during the COVID19 Emergency:
 - A. The computer with Polycom as arranged previously.
 - B. A fax machine, one was in the area when we toured the proposed location previously.
A copier, the same piece of equipment which is the fax machine which was in the area when we toured the proposed location previously
 - C. The officers managing the TCBF will need to have a box designated for the paperwork the MDJ Admin Office will pick up routinely as described below. An empty copier paper box would be sufficient.
 - D. A computer with internet access in the TCBF (OTHER THAN THE VIDEO COMPUTER) should be available for defendants to use if they are able to post bail with a credit or debit card (see below).
2. Each day during the COVID19 Emergency the MDJ Admin Office will provide the TCBF and the Bail Office with the location, contact information and times the Video Magisterial District Judge(s) will be available for the following day, as per schedule approved by President Judge Kelly.
3. Each day the Bail Office will also contact the TCBF with contact information for their on duty Bail Interviewer(s).

For each defendant dropped off at the TCBF, the officers in the TCBF need to do the following:

- 1.) Complete, or receive from police, the Criminal Complaint, Affidavit of Probable Cause and NCIC prior records check for each defendant.
- 2.) Fax the Criminal Complaint, Affidavit of Probable Cause and NCIC prior record check to both the appropriate MDJ Court and the Bail Office.
- 3.) Contact the Bail Office to arrange for a bail interview by video.

- 4.) Contact the MDJ Court to schedule the Video Arraignment for a time AFTER the Bail Interview.
- 5.) Have the defendant Bail Interviewed by Video with the Bail Office. NOTE: The Bail Office will fax the Bail recommendation directly to the MDJ Court after the Bail Interview.
- 6.) Give the Defendant the following, which will be faxed to the TCBF by the MDJ Court:
 - a. Copy of the criminal complaint (which was signed by the MDJ),
 - b. Public Defenders Notice, and
 - c. Hearing Notice for the Defendants Next court appearance.
- 7.) Have the defendant arraigned by video with the MDJ.
- 8.) WAIT. After the Judge finishes the Video arraignment, the court will prepare the Bail Packet and fax it to the TCBF. The Bail Packet includes:
 - a. Conditions to be released on bail (defendant must sign)
 - b. Additional Requirements to remain released on bail (defendant must sign)
 - c. Bail bond (defendant must sign)
 - d. Surety if applicable (defendant must sign)
 - e. The commitment Form if the Defendant will be committed
- 9.) When the Bail Packet is received, give it to the defendant and have the defendant sign the Bail Packet forms. The Bail packet forms needing the defendant's signature are:
 - a) Conditions to be released on bail (defendant must sign)
 - b) Additional Requirements to remain released on bail (defendant must sign)
 - c) Bail bond (defendant must sign)
 - d) Surety if applicable (defendant must sign)
- 10.) Make copies of all of the signed Bail Packet Forms. One copy if the defendant is being released, two copies if the defendant is being committed.
- 11.) Place the original signed copies of the Bail Packet Forms in a designated box to be collected by MDJ Admin.
- 12.) Give the defendant a copy of the Bail Packet Forms
- 13.) If the defendant is being committed, give copies of the following to the transporting officers to give to the prison intake officers:
 - a) A copy of the entire Bail Packet with the defendant's signatures
 - b) A copy of the commitment
 - c) A copy of the criminal complaint signed by the MDJ
- 14.) The Arresting Department should bring the Original Complaint and Affidavit of Probable Cause to the TCBF within two business days of each arrest and it should be placed in the box designated for the MDJ Admin Office.
- 15.) The MDJ Admin Office will arrange to pick up box designated for the MDJ Admin Office from the TCBF every two business days, or more often if needed.

NOTES

If the officers at the TCBF have any questions about the paperwork they should call the clerk at the MDJ Court for guidance.

Original Criminal Complaints

- If the original Criminal Complaint is at the TCBF it should be paper clipped to the Bail Packet Forms signed by the defendant and placed in the designated box to be collected by MDJ Admin.
- If the original Criminal Complaint is at the Police Station of the arresting officer(s) it should be brought to the TCBF within two days for eventual pick or delivery to MDJ Admin.

Posting Bail

Posting of Bail at the TCBF is limited to credit card or debit card over the internet. A separate computer has been dedicated in the TCBF for this purpose.

If the defendant has a credit card or debit card in his/her possession he/she could post bail online at:

<https://ujportal.pacourts.us/Bail/Default.aspx> Or Google "PAePay Bail"

The MDJ Court can verify receipt and confirm release usually in less than two minutes after a successful online transaction.

Day Date	Start Time	End Time	Video Coverage MDJ
Thursday, April 09, 2020	9:00 AM	4:00 PM	MDJ Griffin
Thursday, April 09, 2020	6:00 PM	9:00PM	MDJ Lippart
Friday, April 10, 2020	9:00 AM	Noon	MDJ D'Agostino
Friday, April 10, 2020	6:00 PM	9:00PM	MDJ Burns
Saturday, April 11, 2020	9:00 AM	Noon	MDJ Sandone
Saturday, April 11, 2020	6:00 PM	9:00PM	MDJ Davis
Sunday, April 12, 2020	9:00 AM	Noon	MDJ Karapalides
Sunday, April 12, 2020	6:00 PM	9:00PM	MDJ Goldberg
Monday, April 13, 2020	9:00 AM	4:00 PM	MDJ Williams
Monday, April 13, 2020	6:00 PM	9:00PM	MDJ Radano
Tuesday, April 14, 2020	9:00 AM	4:00 PM	MDJ Vann
Tuesday, April 14, 2020	6:00 PM	9:00PM	MDJ Sandone
Wednesday, April 15, 2020	9:00 AM	4:00 PM	MDJ Merkins
Wednesday, April 15, 2020	6:00 PM	9:00PM	MDJ Hunter
Thursday, April 16, 2020	9:00 AM	4:00 PM	MDJ Strohl
Thursday, April 16, 2020	6:00 PM	9:00PM	MDJ Griffin
Friday, April 17, 2020	9:00 AM	4:00 PM	MDJ Grimes
Friday, April 17, 2020	6:00 PM	9:00PM	MDJ Laccianca
Saturday, April 18, 2020	9:00 AM	Noon	MDJ Berardocco
Saturday, April 18, 2020	6:00 PM	9:00PM	MDJ Krull
Sunday, April 19, 2020	9:00 AM	Noon	MDJ Turner
Sunday, April 19, 2020	6:00 PM	9:00PM	MDJ Lang
Monday, April 20, 2020	9:00 AM	4:00 PM	Sr. MDJ Nistico
Monday, April 20, 2020	6:00 PM	9:00PM	MDJ Karapalides
Tuesday, April 21, 2020	9:00 AM	4:00 PM	MDJ Micozzie-Aguirre
Tuesday, April 21, 2020	6:00 PM	9:00PM	MDJ Merkins
Wednesday, April 22, 2020	9:00 AM	4:00 PM	MDJ Stone
Wednesday, April 22, 2020	6:00 PM	9:00PM	MDJ Vann

Day Date	Start Time	End Time	Video Coverage MDJ
Thursday, April 23, 2020	9:00 AM	4:00 PM	MDJ Lang
Thursday, April 23, 2020	6:00 PM	9:00PM	MDJ D'Agostino
Friday, April 24, 2020	9:00 AM	4:00 PM	MDJ Roberts
Friday, April 24, 2020	6:00 PM	9:00PM	MDJ Berardocco
Saturday, April 25, 2020	9:00 AM	Noon	MDJ Krull
Saturday, April 25, 2020	6:00 PM	9:00PM	MDJ Williams
Sunday, April 26, 2020	9:00 AM	Noon	MDJ Radano
Sunday, April 26, 2020	6:00 PM	9:00PM	MDJ Stone
Monday, April 27, 2020	9:00 AM	4:00 PM	MDJ Lippart
Monday, April 27, 2020	6:00 PM	9:00PM	MDJ Strohl
Tuesday, April 28, 2020	9:00 AM	4:00 PM	MDJ Goldberg
Tuesday, April 28, 2020	6:00 PM	9:00PM	MDJ Burke
Wednesday, April 29, 2020	9:00 AM	4:00 PM	MDJ Holfelder
Wednesday, April 29, 2020	6:00 PM	9:00PM	MDJ Grimes
Thursday, April 30, 2020	9:00 AM	4:00 PM	MDJ Burns
Thursday, April 30, 2020	6:00 PM	9:00PM	MDJ Turner
Friday, May 01, 2020	9:00 AM	4:00 PM	MDJ Mattox
Friday, May 01, 2020	6:00 PM	9:00PM	MDJ Forbes
Saturday, May 02, 2020	9:00 AM	Noon	MDJ Hunter
Saturday, May 02, 2020	6:00 PM	9:00PM	MDJ Micozzie-Aguirre
Sunday, May 03, 2020	9:00 AM	Noon	MDJ Davis
Sunday, May 03, 2020	6:00 PM	9:00PM	Sr. MDJ Nistico
Monday, May 04, 2020	9:00 AM	4:00 PM	MDJ Laclanca
Monday, May 04, 2020	6:00 PM	9:00PM	MDJ Holfelder
Tuesday, May 05, 2020	9:00 AM	4:00 PM	MDJ Burns
Tuesday, May 05, 2020	6:00 PM	9:00PM	MDJ Roberts
Wednesday, May 06, 2020	9:00 AM	4:00 PM	MDJ Forbes
Wednesday, May 06, 2020	6:00 PM	9:00PM	MDJ Mattox



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**Temporary Protocol for Emergency PFA Applications
During COVID-19 Emergency**

In order to provide continual and appropriate Judicial review of Emergency Protection of Abuse Applications during the COVID-19 Judicial Emergency, a schedule has been crafted to provide for such coverage by Magisterial District Judges (MDJs) whenever the Court of Common Pleas is closed. MDJs will provide Emergency PFA coverage after 3:00 pm on normal business days or anytime on Saturdays, Sundays or holidays. MDJs will also provide such coverage if exigent circumstances require any additional closures of the Court of Common pleas.

During this Emergency, the following Protocol shall be followed, as agreed upon by the Fraternal Order of Police, the Police Chiefs Association and President Judge Kevin F. Kelly:

1. When contacted by an individual seeking an Emergency PFA, the local police or Radio Room should get the individual's name and phone number from the individual and tell them to expect to be contact by an MDJ or their staff.
2. The police or Radio Room shall contact the assigned MDJ providing coverage for all of Delaware County as per the attached schedule and provide them with the applicant's contact information.
3. The MDJ shall contact the applicant using advanced telecommunications technology. Technologies which provide both the visual and audio capabilities are preferred, such as FaceTime, Skype, Polycom, Zoom, etc. However, during the aforesaid Emergency audio only (telephone) hearings are permitted if an audio and visual connection cannot be accomplished.
4. If the MDJ determines that the Emergency PFA should be granted, the MDJ or staff shall prepare the appropriate Order at the Magisterial District Court and fax it to the police where it is to be served on the defendant.
5. The MDJ or staff shall also contact the police covering the location of the victim and fax a copy of the Emergency PFA Order to them for the victim to pick up.
6. Upon receiving the Order from the MDJ Court for a victim in their jurisdiction, the police shall contact the victim to arrange for the victim to get a copy of the Order in a contactless manner (For example, the police could leave the paperwork in specific place upon the arrival of the victim for pick up without contact and without exposure to rain or being blown away by the wind. The police could also drop it off at the victim's residence in a similar contactless manner if they choose to do so).