

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Juvenile Delinquency and :
Dependency Cancelations and :
Revised Scheduling Protocols :
*Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND EMERGENCY ORDER EXTENSION and AMENDMENTS – JUVENILE
DELINQUENCY AND DEPENDENCY MATTERS**

AND NOW, this 5th day of May, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more 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 family liaison judge and the jurist of the family section regularly assigned to preside in such cases that the following juvenile delinquency and/or dependency cancelations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**.³

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** through May 11, 2020, excepting Pa.R.Crim.P. 600 which remains **SUSPENDED** until June 1, 2020, subject to applicable constitutional restrictions, if any.⁴

ALL *contested* and *nonemergent* delinquency and/or dependency adjudicatory hearings (trials) **SHALL** be **CONTINUED** and rescheduled no more than sixty (60) to ninety (90) days

subsequent to June 1, 2020. The juvenile judge *may* as believed appropriate relist for demonstrated good cause a *contested* and *nonemergency* delinquency or dependency adjudicatory proceeding (trial) sooner than the immediately above time parameters (60 to 90 days after June 1, 2020).

NO *in-person* pretrial – case management conferences of any type **SHALL** be scheduled attendant to dependency and/or delinquency cases. The juvenile court instead *may* as it believes necessary and appropriate hold pretrial – case management conferences in cases of delinquency and/or dependency by the various, available advanced technological means, including but not limited to teleconferencing and/or videoconferencing⁵ with counsel and/or self-represented parties. The lawyers and any *pro se* parties are expected to meaningfully participate in these conferences as scheduled and make every good faith effort both prior to and during any such conference to reasonably resolve disputed issues.

ALL juveniles in placement to the maximum extent possible **SHALL** be afforded a **TIMELY** dispositional and/or dependency review through available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing.⁶

Juvenile delinquency right to detain and/or bench warrant hearings **SHALL** be **TIMELY** held via available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing.⁷

Until such time as respective, next appropriate proceedings can otherwise be set (*E.g.* a contested adjudicatory trial), the status of **EVERY** juvenile held for underlining delinquency reasons in the Delaware County Juvenile Detention Center (“detention center”) **SHALL** be reviewed no less than weekly by a judge at an of-record conference, including the Commonwealth’s and juvenile’s attorneys, to determine the propriety of the continued detention.⁸ These of-record

detention status conferences **SHALL** be held by available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.⁹

The presiding judge *may* as he or she believes appropriate entertain a proffered, counseled admission and acknowledgment of delinquency, as well as proceed to a resultant disposition, regarding any juvenile housed at the detention center and/or some such other similar facility through available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.¹⁰

Shelter hearings attendant to dependency matters **SHALL** be **TIMELY** scheduled as the juvenile judge believes appropriate and held to the maximum extent possible via available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.¹¹

The Delaware County Juvenile Probation Office **SHALL CONTINUE** to communicate at least weekly with **ALL** those residential facilities at which this court has placed juveniles to regularly monitor the capabilities of **EACH** residential placement to address and/or guard against COVID-19 spread.¹² The Office of Delaware County Juvenile Probation **SHALL** as may be necessary **PROMPTLY** address **ANY** such concerns with a residential placement facility so lacking and/or timely undertake a next course of appropriate proceeding, including but not limited to court intervention.

The Delaware County Office of Children and Youth Services **SHALL** likewise **CONTINUE** to communicate at least weekly with **ALL** residential facilities at which this court placed a juvenile for purposes of monitoring **EACH** of those residential placements' capabilities to address and/or mitigate COVID-19 spread.¹³ The Office of Delaware County Children and Youth Services **SHALL** as may be necessary **PROMPTLY** address **ANY** such concerns with a residential

placement facility so lacking and/or timely pursue a next course of appropriate proceeding, including but not limited to court intervention.

The Office of Delaware County Juvenile Probation **SHALL CONTINUE** its ongoing review of those circumstances salient to **ALL** juveniles currently in residential placement to determine whether a given juvenile may be released from such placement consistent with assuring adequate community protection, victim interests recognition, offender accountability, and an individual juvenile's competency development. The Delaware County Juvenile Probation Office with prior notice to the Commonwealth, defense counsel, the juvenile and his or her family **SHALL** list **PROMPTLY** before the court for dispositional review any juvenile presently in residential placement it believes after this type an individualized examination (*I.e.* adequate community protection, victim interests recognition, offender accountability and a juvenile's competency development) discharge from residential placement to some manner of community based supervision would be appropriate.¹⁴

Delaware County Juvenile Probation and/or Court Services personnel, as well as staff of Delaware County Children and Youth Services, **SHALL** encourage any requisite parental and/or guardian participation in a dependency and/or delinquency court listing through available advanced communication technologies,¹⁵ including but not limited to teleconferencing and/or videoconferencing. Should a given juvenile's parent and/or guardian not have such means and/or the access to available advanced communication technologies, **only** then may he or she attend a delinquency and/or dependency listing *in-person* with **NO OTHER** family member and/or friends allowed in the specific courtroom and the Delaware County courthouse – government complex generally.

ANY delinquency and/or dependency emergency filing **SHALL** be made **PROMPTLY** available for review to the juvenile judge or in the event of his unavailability the family section's motion conference judge. The involved judge will first attempt to resolve the dispute, even on an interim basis, 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 presiding judge *may* schedule a court hearing, but *only* as to those lodgings which he or she believes constitute true emergency circumstances. **ALL** emergency hearings to the maximum extent possible **SHALL** be conducted via some type of available advanced communication technologies, including but not limited to videoconferencing and/or teleconferencing.¹⁶

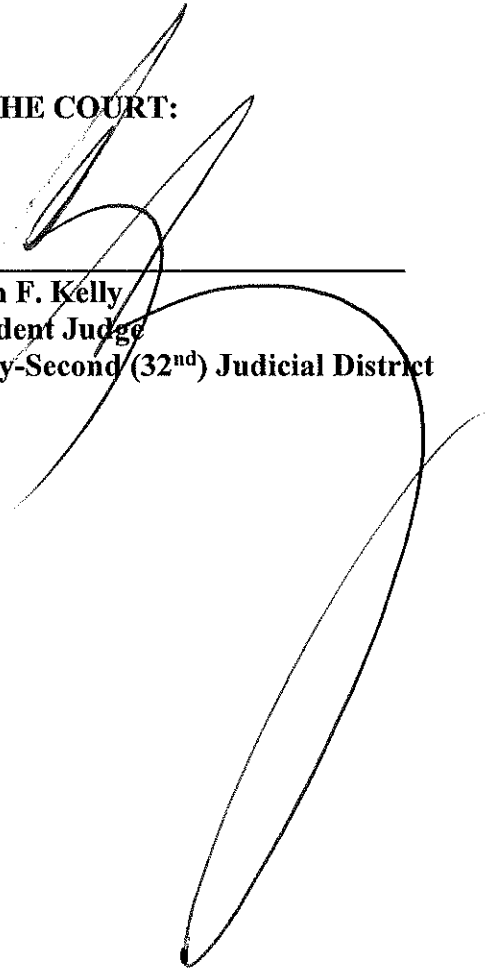
ANY *in-person* hearing a judge deems absolutely necessary to proceed **SHALL** be held in a manner to reasonably restrict potential COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention material guidelines, including but not limited to social distancing, the wearing of a mask and/or prompt surfacing sanitizing.¹⁷

Visitation between parents – guardians and juveniles placed outside the familial residence and/or held at the juvenile detention center stemming from delinquency and/or dependency proceedings **SHALL** to the extent possible continue, but **ONLY** through some available means of advanced communication technologies, including but not limited to telephone, videoconferencing, Skype, teleconferencing and/or Facetime.¹⁸

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).¹⁹

BY THE COURT:



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

¹ See Emergency Order – Juvenile Delinquency and Dependency ... dated March 23, 2020, and Emergency Order Extension – Juvenile Delinquency and Dependency ... dated April 13, 2020. See also Second Emergency Order Extension – Family Section dated April 29, 2020. (This separate family section second emergency order extension (April 29, 2020) addresses cancelations and/or revised scheduling protocols for all other family section matters, excepting delinquency and/or dependency cases.)

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; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 1-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

⁴ See Orders dated March 16, 2020, p. 2; March 18, 2020, p. 4; April 1, 2020, p. 3; and April 28, 2020, pp. 5-6, 9-10 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(l)(m).

⁵ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

⁶ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

⁷ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

⁸ See *In Re: The Petition of ...*, Pennsylvania Supreme Court No. 24 EM 2020 – Order dated April 7, 2020.

⁹ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

¹⁰ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

¹¹ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

¹² See *In Re: The Petition of ...*, Pennsylvania Supreme Court No. 24 EM 2020 – Order dated April 7, 2020.

¹³ See *In Re: The Petition of ...*, Pennsylvania Supreme Court No. 24 EM 2020 – Order dated April 7, 2020.

¹⁴ See *In Re: The Petition of ...*, Pennsylvania Supreme Court No. 24 EM 2020 – Order dated April 7, 2020.

¹⁵ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

¹⁶ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 2-5, 7 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(l)(q).

¹⁷ See Orders dated March 18, 2020, p. 5 and April 28, 2020, p. 4 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(q).

¹⁸ This court on March 13, 2020, past implemented with the assistance of the Directors of Juvenile Detention and Juvenile Court Services-Probation a video visitation program for juveniles housed at the county’s detention center and their parents – guardians, and these protocols allowing for parent – guardian and child interaction through various advanced communication technologies **SHALL** remain in place consistent with that directed above. See Orders dated March 18, 2020, p. 5 and April 28, 2020, pp. 2-5, 7-8 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(q).

¹⁹ 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.