

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

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

**SECOND EMERGENCY ORDER EXTENSION – FAMILY SECTION**<sup>2</sup>

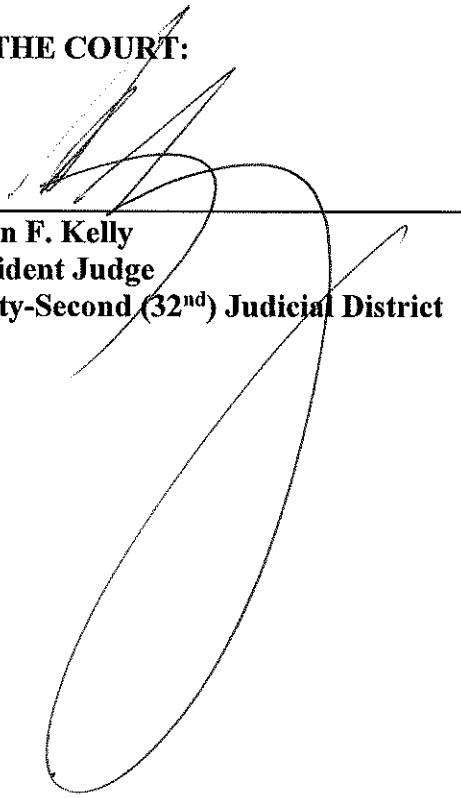
AND NOW, this 29<sup>th</sup> day of April, 2020, this court having declared in the 32<sup>nd</sup> judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,<sup>3</sup> 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 that the attached family section cancelations and/or revised scheduling protocols<sup>4</sup> **SHALL** become **EFFECTIVE IMMEDIATELY** and continuing through and including **June 1, 2020**.<sup>5</sup>

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 (32<sup>nd</sup> – Delaware County) **SUSPENDED** through May 11, 2020, excepting Pa.R.Crim.P. 600 which remains **SUSPENDED** until June 1, 2020, subject to applicable to constitutional restrictions, if any.<sup>6</sup>

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).<sup>7</sup>

**BY THE COURT:**



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**Kevin F. Kelly  
President Judge  
Thirty-Second (32<sup>nd</sup>) Judicial District**

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<sup>1</sup> See Emergency Order – Family Section dated March 20, 2020, and Emergency Order Extension – Family Section dated April 9, 2020.

<sup>2</sup> 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 COVID-19 public health crisis. See generally Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Emergency Declaration Extension dated April 28, 2020. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(q); and Emergency Orders – Juvenile Delinquency and Dependency ... dated March 23, 2020, and April 13, 2020.

<sup>3</sup> 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.

<sup>4</sup> See Family Section Emergency Cancelation and Revised Scheduling Protocols dated April 28, 2020. A copy of this protocol is attached and wholly by reference incorporated.

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

<sup>6</sup> 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).

<sup>7</sup> 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 Cancelations and Revised Scheduling***  
***Protocols Extended***

**Family Filings Generally**

Any type family pleadings may now again be lodged of-record with the Delaware County Office of Judicial Support either via the office's drop box located at the courthouse's front entrance and/or through mailing addressed as follows: Delaware County Judicial Support Office – 201 West Front Street, Media, PA 19063. The filing party remains responsible for the contemporaneous payment of fees and/or costs. Questions about fees and/or costs, as well as accepted forms of payment, may be directed to (610) 891-4224 and/or (610) 891-8766.

Although all types of family filings may now again be lodged, the processing of the same, as well as the resultant listing of certain such hearings will be in accord with this protocol and may in light of the ongoing public health crisis be delayed.

**Emergency Pleadings**

Once lodged with the Delaware County Judicial Support Office emergency matters for review will continue to be forwarded to the assigned judge or should there in a given case currently be no judicial designation, such filings 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 emergent motions and/or 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* emergency hearing the presiding judge deems absolutely necessary must be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention guidelines, including but not limited to social distancing, the wearing of a mask, and/or prompt surface area disinfecting subsequent.

**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 emergency protection from abuse applications after hours and weekends through a telephone call to the local police agency or the county's emergency communication center via dialing 911.)

It remains 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 per the court's practice since the present judicial emergency's outset be given priority consideration and heard within the ten (10) day normal scheduling, absent extraordinarily compelling reasons precluding the same.

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

### **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 prepare and participate in these conferences and make every good faith effort to resolve the issues.

### **Equitable Distribution Masters**

As reasonably soon as the Court may list the same, the equitable distribution masters from the present through and including June 1, 2020, will conduct by available advanced communication technology pre-trial conferences and/or discovery conferences. The same as the presiding master believes appropriate and/or per that which a judge otherwise directs may be of-record. The Court will provide counsel and/or self-represented parties no less than five (5) days advanced notice by e-mail as to any such listing's scheduling.

### **Divorce Decree Processing**

The Family Court Administrator's Office effective immediately through and including June 1, 2020, will regularly make available those divorce actions otherwise ready for such a review by the divorce administrator and relatedly the divorce administrator will timely examine all such matters and promptly make to the court a next course of appropriately proceeding recommendation.

### **Domestic Relations**

The Domestic Relations Office ("DRO") will resume conferencing in two (2) phases per the following, both of which will utilize advanced communication technologies, including but not limited to telephoning and/or email. Initially, DRO staff will on or before May 4, 2020, conduct conferences with non-custodial parents past listed for contempt proceedings to determine for possible enforcement action current employment status. After the inventory of contempt matters has been reasonably addressed, establishment conferences will promptly be set beginning with the earliest complaint lodging date and where the non-custodial parent is alleged to have an income source.

No Domestic Relations Contempt or Appeals court listings until further notice.

### **Special Relief**

While there will not yet be *in-court* Family Section (Special Relief) List Days, the judges will schedule where appropriate hearings on special relief filings through available advanced communication technologies, including but not limited to teleconferencing and/or videoconferencing, with counsel, as well as their clients, and/or self-represented parties. All such hearings will be of-record. The attorneys and/or any *pro se* parties are expected to meaningfully prepare and be ready to proceed for these listings as the court may schedule. Any and all documents, exhibits and/or evidentiary items otherwise are to be forwarded to the assigned judge's chambers and contemporaneously to the opposing counsel or self-represented party no later than twenty-four (24) hours prior to the hearing.

### **Custody Matters**

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

Assuming the availability of a sufficiently sized courtroom and/or the other type and number of unrelated matters then scheduled throughout the court house safely allow for the same, judges may as believed appropriate schedule one-half to one (1) day custody trials on those dates he or she have been assigned to one of the two (2) family courtrooms. All such trials must be conducted in accord the Centers for Disease Control and Prevention guidelines, including but not

limited to social distancing, the wearing of a mask, and/or prompt surface area disinfecting subsequent, as well as any and all other salient governmental directives.