

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

**THIRD EMERGENCY ORDER EXTENSION – FAMILY SECTION,<sup>2</sup> AS AMENDED<sup>3</sup>**

AND NOW, this 5<sup>th</sup> day of June, 2020, this court having previously 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 sanctioning the same,<sup>4</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 liaison judge that the appended family section directives<sup>5</sup> **SHALL** be **AMENDED** to reflect the resumption of domestic relations master hearings *effective July 13, 2020*, as the attached protocol more further details.<sup>6</sup>

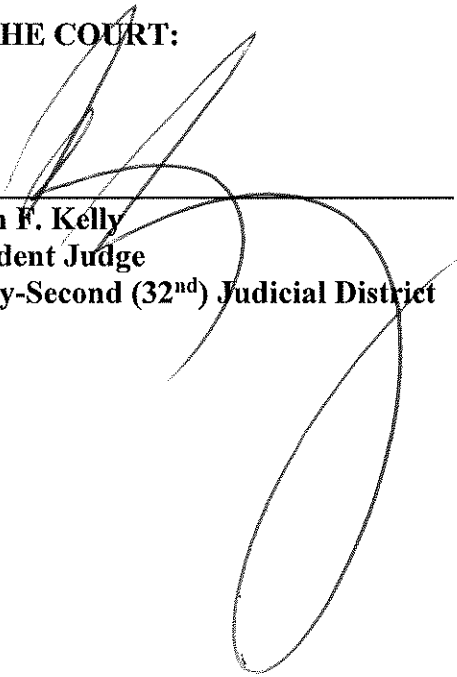
Except to the extent ordered above, this court’s Third Emergency Order Extension – Family Section dated May 27, 2020,<sup>7</sup> **SHALL** remain in full force and effect.

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>8</sup>

**BY THE COURT:**



---

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

---

<sup>1</sup> See Emergency Order – Family Section dated March 20, 2020; Emergency Order Extension – Family Section dated April 9, 2020; Second Emergency Order Extension – Family Section dated April 29, 2020; and Third Emergency Order Extension dated May 27, 2020.

<sup>2</sup> This court consistent with its practices to date 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; Second Emergency Declaration Extension dated April 28, 2020; and Third Emergency Declaration Extension dated May 27, 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; April 13, 2020; and April 29, 2020.

<sup>3</sup> *The amendments adopted by this order detail the scheduling and conducting of domestic relations master hearings and can be found beginning on page nine (9) of the attached family section protocols. See Family Section Emergency Cancellation and Revised Scheduling Protocols dated June 5, 2020. (A copy of this amended protocol (June 5, 2020) is attached and wholly by reference incorporated.)* These additions to the immediate past family section directives (May 27, 2020) begin on page nine (9) of the appended, updated protocol and for ease of reference are there, as well as any new endnotes, underlined.

<sup>4</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; Second Emergency Declaration Extension dated April 28, 2020; and Third Emergency Declaration Extension dated May 27, 2020.

<sup>5</sup> The protocols the instant order amends were dated and adopted by the Third Emergency Order Extension – Family Section of May 27, 2020. See Third Emergency Order Extension – Family Section dated May 27, 2020, and attached protocol.

<sup>6</sup> These additions to the immediate previous family section operational directives (May 27, 2020) begin on page nine (9) of the appended protocol and for ease of reference are there, as well as any new endnotes, underlined. See Family Section Emergency Cancellation and Revised Scheduling Protocols dated June 5, 2020.

<sup>7</sup> See Third Emergency Order Extension – Family Section dated May 27, 2020.

<sup>8</sup> See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3; April 28, 2020, p. 3; May 27, 2020 p. 2, Fn. 1 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

# DELAWARE COUNTY COURT OF COMMON PLEAS

## ***FAMILY SECTION EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED***

### **PURPOSE**

Recognizing that the Supreme Court of Pennsylvania has recently directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make best efforts in all other type matters to accomplish the administration of justice, subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,<sup>1</sup> this court in consultation with core systematic stakeholders has developed the below described plan as the first of what is anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,<sup>2</sup> while also being mindful of the necessity to once more provide with regularity for the timely the administration of justice.

That directed below as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the evolving concerns presented by the continuing COVID-19 public health crisis.

### **GENERAL SAFETY and OPERATIONAL DIRECTIVES**

**ALL** criminal and civil jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **SUSPENDED**, until further notice.<sup>3</sup>

For **ALL** *in-person* proceedings of any type and regardless of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties, as well as counsel, will be permitted in the courtroom-hearing room and/or about the interior of the Delaware County courthouse-government center generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter and/or a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about the courthouse complex, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any party and/or witness will be permitted access to the Delaware County courthouse-

government center until further notice, unless he or she is as well a party to the proceeding and/or a witness.

The Delaware County courts (32<sup>nd</sup> judicial district) for purposes of ACT on the recommendation of the court IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility, Polycom. The use of other ACT's (E.g. Zoom – Microsoft Teams) may at the discretion of the presiding judge be permitted.

Victims-complainants having a right to be present in court for listings of their criminal case juvenile delinquency matters and/or protection from abuse actions may also attend all such schedulings. The complainant-victim may be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely notify the Delaware County Park Police through Superintendent Scott D. Mahoney (Ext. 5000) of any victim-complainant intending to attend *in-person* a criminal and/or juvenile delinquency listing, as well as who, if anyone, will then be accompanying that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the courthouse are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual accompanying him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the courthouse-government center complex.

Subject to the direction of the presiding judge otherwise, **ALL** witnesses on arriving in the vicinity of the courthouse **MUST** remain waiting in his or her vehicle until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse. On entering the courthouse the witness is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the courthouse, unless the presiding judge directs to the contrary.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through District Court Administrator Gerald C. Montella, Esquire (610 891-4557). (Should the level of press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (E.g. Social distancing in the courtroom because of the appreciable numbers present not possible), the District Court Administrator in collaboration the interested media will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477); however, no more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding judge via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477) to listen to the same at the Court Electronic Recording Office to the same.

**ALL** interested persons should plan to arrive at the courthouse approximately thirty (30) minutes prior to the listing's schedule start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the Park Police to prevent unnecessary loitering about the courthouse and/or courtrooms-hearing rooms.

**ALL** individuals entering the Delaware County courthouse-government complex **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Delaware County Park Police.<sup>4</sup> Based on the outcome of this Coronavirus screening assessment, the involved Park Police Officer at his or her discretion may prohibit a person from entering the courthouse-county government complex. Park Police personnel will promptly make the presiding judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses. If a litigant and/or witness refused entry on health considerations cannot identify the judge before whom he or she is to then appear, contact is to be promptly made for such assistance with the Court Administrator's Office (Ext. 4550).

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be asked to remain outside the building and/or another location the Park Officer may direct pending the assigned judge's chambers providing a date for that accused to return and the defendant executing as well as being provided a copy of such a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering the courthouse-government center **MUST** otherwise be in **FULL COMPLIANCE** with **ANY** federal and/or state directives then in place to stem the Coronavirus spread, including but not limited to the proper wearing of a recommended mask.

**ANY** litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY** notify the assigned or presiding judge's chambers that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact promptly the Court Administrator's Office – 610 891-4550.)

**ANY** litigant, lawyer, witness and/or other interested party having been past tested and/or diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead **PROMPTLY** notify **PRIOR TO THE LISTED DATE** the Court Administrative Office of the same (610 891-4550) and follow the directions that office then provides.

**ANY** litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT in lieu of *in-person* **MUST** notify the assigned and/or presiding judge **no less than three (3) business days prior to the scheduled date** to allow for those necessary arrangements to be made by the Legal Audio Visual Department. The involved judge will for now allow the same subject to applicable constitutional limitations, if any,<sup>5</sup> or continue the listing to a future date should constitutional concerns dictate such and/or if he or she believes in the exercise of his or her discretion that the nature of the proceeding and individual requesting remote participation would otherwise be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of the factfinder to visually observe a witness only available to testify aurally by telephone.) Parties represented by a lawyer **MUST** first direct any such concerns about participating via some type of ACT to his or her counsel and witnesses similarly in the first instance are to initially bring these matters to the attention of the attorney subpoenaing his or her appearance these issues and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements subject to the presiding and/or assigned judge's approval.

In the event a self-represented litigant, lawyer, and/or other interested party does not know the assigned and/or presiding judge to whom a request to appear and participate via some manner of ACT should be submitted, such inquires consistent with the above three (3) business day advanced notification are to be directed to the Court Administrator's Office (610 891-4550).

**ALL** *in-person* listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention Coronavirus guidelines, as well as any other such federal and/or state directives, including but not limited to presently social distancing and/or the wearing of a mask.

**ALL** courtrooms – hearing rooms utilized for proceedings will on the conclusion of a given day's cases be sanitized, as will those areas of the courthouse commonly used for individuals to get to and from a courtroom – hearing room (*E.g.* Courthouse's public elevators and the stairwell to the second floor).

The judges will provide in advance to the Delaware County Park Police through Superintendent Scott D. Mahoney a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST** provide the presiding judge with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. (The presiding judge most certainly may in his or her discretion direct counsel and/or the parties in whatever format he or she believes

best for such a witness list to be submitted (*E.g.* As part of a pre-trial statement) and/or instruct that the same be sent by a sooner date.) Chambers of the presiding judge will promptly forward to the Delaware County Park Police through Superintendent Scott D. Mahoney copies of **ALL** received witness lists.

Each section and/or division of the court will coordinate among those judges sitting on a given date start times staggered by at least thirty (30) minutes.

As is more fully described below, **ALL** *in-person* matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than ten (10).

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directives of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in a particular courtroom – hearing room to allow for any required social distancing. As may be necessary to assure compliance with that salient to such considerations this protocol details, court officers may temporarily prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties and/or witnesses to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* jury assembly room) then designated for overflow purposes by the District Court Administrator.

Should a court officer observe any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same must be promptly reported to the presiding judge and if such personnel are present in the courtroom – hearing room, deputy sheriffs, and/or park officers.

Should a court officer observe an interested party, lawyer and/or a witness outside of a courtroom – hearing room failing to comply with salient governmental directives, including but not limited to social distancing and/or the wearing of a mask, he or she must promptly report the same to the Delaware County Park Police (Ext. 5000), as well as the judge presiding over the matter involving that party, attorney and/or witness, and if in proximity, any deputy sheriff.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 spread may, *inter alia*, result in any such individual's immediate removal from the courthouse-governmental complex by sworn personnel of the Delaware County Park Police and/or Delaware County Sheriff's Office. In the event a person for noncompliance with these safety measures is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding over the matter involving that party, lawyer and/or witness of the removal.



## FAMILY SECTION

ANY type family pleadings, excepting DRO filings as discussed below, 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.

DRO matters (*E.g.* Complaints for support – petitions to modify) can continue to be lodged through the PACSES e-filing found on the Pennsylvania Child Support website. (A link to the same is also located on the Delaware County court website.) DRO pleadings can as well be directly filed with the Delaware County Domestic Relations Office by email – [delawarecourtliaison@pacses.com](mailto:delawarecourtliaison@pacses.com) or traditional mail addressed as follows: Domestic Relations – P.O. Box 543, Media, Pennsylvania, 19063. Anyone needing assistance with any type and/or manner of lodging can contact the Delaware County Domestic Relations office at [delawarecaseworker@pacses.com](mailto:delawarecaseworker@pacses.com).

Although all types of family filings may once 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 modestly delayed.

Excepting the juvenile court,<sup>6</sup> the other four (4) judges of the family section have been temporarily organized into two (2) subgroups as follows: Judges Cartisano and Rashid; and Judges Mackrides and Klein. **BOTH** judges of each team during a given week will generally have for their respective use courtrooms available with the second team of judges sitting the next week. Hence, on any day of a week no more than two (2) family judges will be contemporaneously in session, unless there is some emergent need for another such courtroom to be operational approved by the president judge or family liaison.

On those alternating weeks they will be sitting, Judge Cartisano will utilize courtroom No. ten (10) while Judge Rashid will be in courtroom No. eleven (11). For those every other weeks they are listed to sit, Judge Mackrides will use courtroom No. ten (10) and Judge Klein courtroom No. eleven (11).

Attached and wholly incorporated by reference is an *interim*, family section master calendar detailing, *inter alia*, through June and July 2020 the specific two (2), family judges sitting weekly. For reasons such as vacations, the appended, *temporarily* family section master calendar is subject to change with the judges on one (1) judicial team exchanging, in whole or part, the otherwise assigned courtroom weeks.

To maximize the use of the two (2), operational family courts, a judge listed to sit in a certain week will promptly notify the other team's two (2) judges of any one-half (1/2) or greater day when he or she does not need the courtroom so as a colleague judge believes appropriate he or she may then list his or her case(s).

Any judge assuming a court week, in whole or part, of another jurist **MUST** without exception sit in the courtroom of the originally assigned judge because of the first-floor courtrooms being scheduled on a rotational basis each week among both the civil and family sections.

Consistent with this judicial district's (32<sup>nd</sup>) individual calendaring system, each family judge will be responsible for scheduling his or her assigned cases as he or she believes appropriate, along with providing all interested parties timely notice of the same.

Various hearings as the assigned family judge believes appropriate will once more be scheduled, including but not limited to arguments, contested pre-trial evidentiary hearings and/or trials. **ALL** these listings for now will be just those cases reasonably expected to conclude within at most a few days. Such schedulings, including but not limited to contested evidentiary matters, may be conducted as the designated judge believes proper through both some manner of ACT and/or *in-person*. (E.g. A witness appearing via video conferencing while the lawyers are *in-person* before the presiding judge.)

There will be for now no *in-person* appearance involving inmates of any county, state, and/or federal penal facility before the family courts, but rather **ALL** listings where a party and/or witness is for whatever the reasons incarcerated any such person will participate through some ACT means, assuming the prisoner party's agreement.<sup>7</sup> **ALL** inmate witnesses **MUST** for now appear via ACT. **ANY** prisoner of a county, state, and/or federal correctional institution being a named party and wanting to proceed with an *in-person* listing will have his or her matter continued for at least thirty (30) days with the hope the currently ongoing public health crisis, particularly relative to those attendant concerns developing southeastern Pennsylvania, including but not limited to Delaware County, would have then sufficiently abated to safely allow for the prisoner's custodial transportation in related *in-person* appearance before the court.<sup>8</sup>

On **ANY** day the judicial family teams have *in-person* schedulings, the two (2) judges then sitting will have start times staggered by at least thirty (30) minutes (E.g. Judge Cartisano begins at 9:00 a.m. and Judge Rashid starts no earlier than 9:30 a.m.). Beyond these staggered commencement times regarding each judge sitting on a certain day, there is for now a limit of no more than ten (10) interested parties (I.e. litigants, and/or counsel) permitted *in-person* attendance per a given family courtroom.

Temporary protection from abuse petitions ("PFA") can continue to be filed with the Delaware County Judicial Support Office and will be heard during the courthouse's regular business hours by the family motion judge. (Again, as is usual court practice, magisterial district judges 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 vial dialing 911.)

The protection from abuse master until further notice will not sit.

Protection from abuse lists (PFA) will proceed per the attached *interim*, family master calendar on the follow dates: June 4, 2020; June 10, 2020; June 18, 2020; June 25, 2020; July 2, 2020; July 9, 2020; July 16, 2020; July 22, 2020; and July 30, 2020. Each of these PFA lists will be divided among a sufficient number of judges and coordinated through both family liaison judge and District Court Administrator to assure there is as best as possible in the specific courtrooms utilized, as well as those general areas of the courthouse, currently recommended "social distancing" and/or a recognition of **ALL** other federal and/or state governmental directives about stemming COVID-19 spread.

**ALL** such emergency filings from the present through July 31, 2020, will consistent with existing administrative protocols be forwarded to the assigned judge or should there in a given case currently be no judicial designation, those lodgings will then trigger an assignment to a judge in the family section to whom the emergency pleading 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. If the reviewing judge determines the salient circumstances are such that an emergent hearing should be held, those proceedings to the extent possible may at that court's discretion be conducted via advanced communication technology (ACT), subject to applicable constitutional restrictions, if any, particularly if the assigned judge is not listed to sit that week.<sup>9</sup> Should the presiding judge determine an emergency hearing must be conducted and at least some interested parties will be appearing *in-person* (E.g. The attorneys are present in court before the judge while the parties participate through some form of ACT), the listing of the same is to be coordinated through both the family liaison judge and District Court Administrator to assure there is staggered scheduling allowing for as best as possible about that area of the courthouse and the specific courtroom currently recommended "social distancing," in addition to **ALL** other federal and/or state governmental guidance about countering the COVID-19 virus spread, including but not limited to currently the wearing of a mask and/or prompt surface area disinfecting subsequent.<sup>10</sup>

Assigned and/or otherwise presiding family judges may schedule as believed appropriate pretrial – case management conferences. **ANY** pretrial – case management conferences listed on a day a judge is not scheduled and/or otherwise has access to one (1) of the two (2) operational family courtrooms **MUST** be held with all parties, including but not limited to counsel and/or self-represented individuals, participating via some manner of ACT, which as the presiding judge believes appropriate may be of-record. **ALL** pretrial – case management conferences with *in-person* participants and/or some combination of ACT and *in-person* appearances are to be set in

court for those dates per the attached sectional, *interim* calendar the assigned and/or judge presiding otherwise is then listed to sit in one (1) of the two (2) operational family courtrooms.

Family Section (Special Relief) List Days will be scheduled at the assigned judge's discretion. Hearings on special relief filings held solely through available advanced communication technologies (ACT's), including but not limited to teleconferencing and/or video conferencing, with counsel, as well as their clients, and/or self-represented parties, may be set as the presiding judge's calendar otherwise allows. For purposes of these ACT only special relief proceedings, any and all documents, exhibits and/or evidentiary items are to forward 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 scheduling. **ANY** special relief hearing to be held *in-person* or some combination of ACT and *in-person* appearances (*E.g.* Counsel are present before the court while the parties appear and participate through ACT) are to be listed in court and on a date that the designated judge is scheduled in one (1) of the two (2) operations family courtrooms to be sitting.<sup>11</sup> Regarding these *in-person*, in full or in part, special relief proceedings, the prior exchange of prospective evidentiary items will be as the designated judge directs.

The Family Court Administrator's Office will continue to 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.

The Domestic Relations Office (DRO) will continue conferencing utilizing advanced communication technology (ACT), including but not limited to telephoning and/or email, conferences with non-custodial parents past listed for contempt proceedings to determine for such possible enforcement action current employment status. After soon finishing reasonably addressing the inventory of these potential contempt matters, DRO personnel will promptly hold establishment conferences beginning with the earliest complaint lodging date and where the non-custodial parent is alleged to have an income source.

Effective **JULY 13, 2020**, *in-person* DRO master hearings will resume. For good cause shown (*E.g.* Underlining medical condition making one more vulnerable to the impact of COVID-19), **ANY** litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT (advanced communication technology) in lieu of *in-person* **MUST** notify involved Domestic Relations Office staff ***no less than three (3) business days prior to the scheduled date***<sup>12</sup> to allow for a review of that request and/or if allowed, those necessary arrangements to be made. (These requests are to be timely submitted via email to DRO at [delawarecountycourtliason@pases.com](mailto:delawarecountycourtliason@pases.com).)

For **ALL** DRO master hearings, including but not limited to those conducted fully or partially by some ACT means (*E.g.* The lawyers and one (1) of the parties are present in court while the other litigant participates through some form of ACT), copies of **ANY AND ALL**

reasonably anticipated evidentiary exhibits **MUST** be exchanged among counsel and/or any self-represented parties, as well as contemporaneously provided to the Domestic Relations Office, at least twenty-four (24) hours prior to the scheduled listing. (The submission of these probable exhibits of evidence to the Domestic Relations Office can be as attachments to an email addressed as follows: [delawarecountycourtliason@pases.com](mailto:delawarecountycourtliason@pases.com); or a traditional mailing addressed as follows: Domestic Relations, P.O. Box 543, Media, PA 19063.) It is relatedly the responsibility of the party offering any such evidence to provide at the master's hearing paper or "hard" copies of **ANY AND ALL** documentations in a sufficient number for both the court and the other party.

DRO master hearings will be scheduled weekly, Mondays through Thursdays with individual cases listed for now every thirty (30) minutes beginning at 9:00 a.m., a lunch break from 12:00 p.m. through 12:30 p.m., and the last case of the day having 3:00 p.m. commencement time. On Fridays, individual matters will similarly be listed at thirty (30) minute intervals beginning at 9:00 a.m. through 11:30 a.m. There will for now be no cases regularly set for Friday afternoons, but rather subsequent to the lunch break (12:00 p.m. – 12:30 p.m.) the masters will specially list at sufficiently staggered start times those matters past before them for which a more protracted hearing may be reasonably necessary.

To as best as possible maximize the court time of these DRO master hearing lists, **ANY** continuance application *must be made known to Domestic Relations Office at least three (3) business before the case's scheduled hearing date.* (Continuance applications are to be forwarded via email at [delawarecountycourtliason@pases.com](mailto:delawarecountycourtliason@pases.com).)

The court will continue making reasonable efforts to keep scheduling *ad hoc* lists of DRO appeals and/or contempts<sup>13</sup> while efforts remain ongoing between the family court and DRO upper management to develop a systematized plan for the DRO appeal and/or contempt matters being set in a weekly recurring manner.

The motion judge will continue to hold by video conferencing as needed seventy-two (72) hour Domestic Relations hearings.

The equitable distribution masters will continue to conduct via available advanced communication technologies (ACT's) pretrial conferences and/or discovery conferences. The same as the presiding master believes appropriate and/or per that which a judge instructs may be of-record. The court will provide counsel and/or self-represented parties no less than five (5) days advanced notice via email as to any such listing's scheduling.

As reasonably soon as the court may list the same, the custody masters from the present through and including July 31, 2020, will conduct by available advanced communication technologies (ACT's) pretrial conferences and/or discovery conferences. These conference schedulings may as the presiding master believes appropriate and/or that which a judge so directs be of-record. The court will provide the attorneys and/or self-represented litigants no less than five (5) days advanced notice by email as to any such listing's scheduling.

**ALL** parties whether *pro se* or represented by an attorney **MUST** meaningfully engage in good faith discovery consistent with **ANY AND ALL** such salient trial court orders and/or directives, including but not limited to depositions conducted to the extent practicable via some manner of available advanced communication technology, subject to applicable constitutional limitations, if any.<sup>14</sup>

“To the degree necessary, attorneys should counsel their clients that the public health emergency can in no way be used to secure strategic advantage in litigation, including by means of dilatory conduct[,]” particularly relative to the timely exchange of **ANY AND ALL** discoverable materials, whether the same is required by an applicable procedural rule, mandated by a relevant trial court order, compelled by some other legal authority, and/or expected by the lawyers’ agreement.<sup>15</sup>

---

<sup>1</sup> See Order dated April 28, 2020, p. 2 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

<sup>2</sup> See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

<sup>3</sup> See Order dated April 28, 2020, p. 9 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q). (This court under a separate emergency order of May 27, 2020, extended the cancellation of civil and criminal trials from that date (May 27, 2020) through and including July 31, 2020. See Emergency Jury Trial Cancellation Order dated March 18, 2020, and Emergency Jury Trial Cancellations Extension Order dated April 2, 2020; and Emergency Jury Trial Cancellations Order dated April 28, 2020.)

<sup>4</sup> Although more specific to whether an employee will be permitted into the courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police will employ for ALL individuals attempting to enter the county courthouse-government center.

<sup>5</sup> See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 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)(h)(i)(q).

<sup>6</sup> The cancellations as well as revised scheduling and operational protocols as extended and amended for matters of juvenile delinquency and dependency will in the near future follow.

<sup>7</sup> See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 – “Infections greater at Delco jail – Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”

<sup>8</sup> See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(k)(q). See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); and May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”).

<sup>9</sup> 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. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Attached *Interim Family Calendar*.

<sup>10</sup> 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. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

<sup>11</sup> See Attached *Interim Family Calendar*.

<sup>12</sup> See Family Section Emergency Cancellation Revised Schedule and Protocols dated June 5, 2020, p. 4.

<sup>13</sup> For just the week commencing May 26, 2020, the family section judges assisted by involved DRO personnel listed and were otherwise prepared to then hear over one hundred (100) DRO appeals.

<sup>14</sup> See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 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)(h)(i)(q).

<sup>15</sup> See Order dated April 28, 2020, p. 10 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.