

RE: Access to Courthouse and Modification of Court's Functions To Essential Functions only During COVID-19 Public Health Emergency : **IN THE COURT OF COMMON PLEAS OF BRADFORD COUNTY, PENNSYLVANIA**
: **42nd Judicial District**
: **NO. 2020IR**
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ADMINISTRATIVE ORDER

AND NOW, this 19th day of March, 2020, upon consideration of the Commonwealth of Pennsylvania being in a state of emergency due to COVID-19 and the directives set forth in the Order of Court dated March 18, 2020 issued by the Pennsylvania Supreme Court, *In Re: General Statewide Judicial Emergency*, No. 531 and 532 Judicial Administration Docket¹, and the need to safeguard the health and safety of court personnel, court users and members of the public while seeking to assure continued accessibility to the courts for essential functions only, IT IS HEREBY ORDERED AND DECREED, effective at the close of business on March 19, 2020 and lasting to at least April 3, 2020 or until further order:

COURT OF COMMON PLEAS

1. Access to the Bradford County Courthouse shall be CLOSED TO THE PUBLIC except for essential functions as follows:
 - a. Emergency bail review and habeas corpus hearings;
 - b. Gagnon I hearings;
 - c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;

¹ Pennsylvania Supreme Court Order dated March 18, 2020 can be found on the Pennsylvania Courts website

- d. Juvenile delinquency detention;
- e. Juvenile emergency shelter and detention hearings;
- f. Temporary protection from abuse hearings;
- g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. Emergency petitions for guardianship;
- i. Civil mental health reviews, see 50 P.S. §7302;
- j. Emergency equity civil matters (injunctions and stays);
- k. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm; and
- l. Any other function deemed by the President Judge to be essential consistent with constitutional requirements.

All such matters shall be handled through advanced communication technology if possible and consistent with constitutional limitations. If advanced communication technology is not possible for such essential proceedings, only attorneys and parties to a case and witnesses and/or victims shall be permitted entry. Parties filing a Protection from Abuse proceeding are permitted to have an individual accompany them and a member of the Abuse and Rape Crisis Center.

2. All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant or other participant in any non-essential case are hereby continued or postponed to a future date to be scheduled by Court Administration or until further Order of Court that is not inconsistent with this Order (see below for conference and motion practice).

3. Jury and non-jury trials are SUSPENDED.

4. Any pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice and any other civil or criminal hearing that can be shall be handled through advanced communication technology consistent with constitutional limitations will proceed in such fashion. Otherwise such matters will be postponed to a future date to be scheduled by Court Administration.

5. Bail review requests and requests for habeas corpus SHALL BE REVIEWED on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

6. Hearings on essential functions that cannot be held through advanced communication technology SHALL BE HELD in courtrooms designated by the individual judge to minimize person-to-person contact.

7. All time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are SUSPENDED through April 3, 2020, subject to additional orders of this Court or the Pennsylvania Supreme Court. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020 and April 3, 2020 in the Court of Common Pleas of Bradford County SHALL BE DEEMED to have been timely filed if they are filed by April 10, 2020.

8. To the extent possible, it is directed that all court personnel and courthouse employees and anyone else entering the Courthouse consistent with this Order comply with the federal guidelines- including that provided by the Centers for Disease Control and Prevention – such as social distancing, the disinfection of surfaces, hand washing and sanitizing and the wearing of a facemask by an infected person.

9. Individuals making payments to Bradford County Collections or Bradford County Domestic Relations Office shall do so by mail or electronic submission.

10. All Motions for Continuances and proposed Orders for same shall be accepted by fax (570-265-1747) or email (courtadmin@bradfordco.org) to Court Administration without the need to separately file the original with the Prothonotary or Clerk of Courts. Motions for Continuances shall be liberally granted with due consideration to health concerns.

11. The Bradford County Probation Department's and Bradford County Domestic Relations Department's policies instituted during this time, if any, are hereby incorporated herein and will be attached hereto.

12. The Judges and District Court Administrator shall confer regularly with the County Commissioners, Administrative Office of Pennsylvania Courts and court department chiefs and other personnel to review internal procedures and evolving needs.

MAGISTERIAL DISTRICT COURTS

1. Access to the Magisterial District Courts within the 42nd Judicial District shall be CLOSED TO THE PUBLIC except for essential functions as follows:

- a. Preliminary arraignments (bail setting) forailable cases;
- b. Criminal case filings and subsequent processing;
- c. Preliminary hearings for incarcerated persons only;
- d. Issuance of search warrants;
- e. Emergency protection from abuse petitions; and
- f. Any other function deemed by the President Judge to be essential consistent with constitutional limitations.

2. Advanced communication technology or closed-circuit video technology SHALL BE USED to complete as many of these functions as practicable consistent with the constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3. All other cases pending in these courts are POSTPONED.

4. Payments rendered to Magisterial District Courts SHALL NOT BE MADE IN PERSON but may be accepted by mail, electronically (online), or by telephone as may be permissible in the Magisterial District Court receiving the payment.

5. In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District Court SHALL ISSUE a hearing notice scheduling a payment determination hearing to be held after April 3, 2020, or such date as shall be subsequently specified. Such missed payment or default SHALL NOT RESULT in the issuance of an arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

6. To the extent possible, it is directed that all magisterial court personnel and anyone else entering the Magisterial District Court office consistent with this Order comply with the federal guidelines- including that provided by the Centers for Disease Control and Prevention – such as social distancing, the disinfection of surfaces, hand washing and sanitizing and the wearing of a facemask by an infected person.

LANDLORD/TENANT


IT IS FURTHER DIRECTED, due to economic consequences caused by COVID-19 that during the period encompassed by the Pennsylvania Supreme Court's ORDER or the judicial emergency, whichever is longer, no officer, official, or other person employed at the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment. Nothing herein is intended to preclude requests for orders of possession resulting from judgements entered in landlord-tenant actions to be filed by mail. However, any execution of an order of possession is stayed to a date on or after April 3, 2020, subject to further orders.

NOTICE

Within 24 hours of this order, notice of this action shall be provided by this court via the District Court Administrator as follows:

- A. Provided to the Administrative Office of Pennsylvania Courts;
- B. Posted on the entry doors of the county courthouse of the Judicial District and all Magisterial District Courts within the Judicial District.
- C. Posted on the Judicial District's website; and
- D. Transmitted via e-mail to the local county bar association with the request that such association promptly forward the notice to all members.

BY THE COURT:



Maureen T. Beirne, P.J.