

IN RE: JUDICIAL EMERGENCY)
ORDER) No. 3 of 2020
)

ORDER OF COURT

AND NOW, this 24th day of April, 2020, the Court having previously declared a judicial emergency in the 10th Judicial District of Pennsylvania on the 17th day of March, 2020, pursuant to Pa. R.J.A. No. 1952(B)(2), the Court hereby authorizes the following:

1. All Court facilities are to remain closed for all non-essential functions until further Order of Court. The following are essential functions of Westmoreland County Courts:

A. Emergency legal matters;

B. Civil

- i. Equity/emergency matters (such as injunctions and stay requests);
- ii. Mental Health Review by Judge (such as 302 proceedings).

C. Orphans

- i. Guardianships for Incapacitated Persons.

D. Criminal

- i. Emergency Bail Review;
- ii. Bail Administration;
- iii. Bench Warrant and Detainer Hearings;
- iv. Search Warrants.

E. Juvenile

- i. Emergency Detention Hearings;
- ii. Emergency Juvenile Intake Hearings;
- iii. Juvenile Detention Hearings;
- iv. Juvenile Adjudication Hearings (If no waiver);
- v. Juvenile Review Hearings as determined by the Juvenile Judges.

F. Dependency

- i. Shelter Care Hearings;
- ii. Adjudication/Disposition Hearings;
- iii. Review Hearings as determined by the Dependency Judges.

G. Family

- i. Emergency Protection from Abuse processing and Temporary Protection From Abuse hearings;
- ii. Child support and bench warrant emergencies;
- iii. Other emergency matters arising in the normal course of Family Division cases (e.g. child custody emergencies).

H. Court Administration

- i. Scheduling interpreters for essential court cases;
- ii. Ensuring Americans with Disabilities Act compliance for essential court cases;

I. Magisterial District Courts

- i. Preliminary Hearings for incarcerated defendants;

- ii. Preliminary arraignments, accepting bail, issuing arrest and search warrants, and all other functions pursuant to Pa. R. Crim. P. 117, including issuing Emergency Protection from Abuse Orders;
 - iii. Make bank deposits, receipt payments, mail and daily accounting functions;
 - iv. Receive and enter traffic citations, accept payment for fines, costs, restitution, accept guilty pleas, determine sentence, arrange payment plans, accept non-guilty pleas, schedule trials, collect collateral;
 - v. Receive and enter civil complaints, collect fees, record intent to defend, cross-complaints;
 - vi. Receive and enter landlord/tenant complaints, collect fees, receive and enter cross-complaints.
2. All Court calendars, appearances, scheduling notices and subpoenas previously issued by the Court for the period of time covered by the Emergency Declaration are hereby cancelled. Future scheduling involving essential functions is not affected by this Order;
 3. All jury and non-jury trials scheduled during the period of time covered by the Emergency Declaration are cancelled;
 4. All hearings and conferences, except for the essential court functions as described herein, are cancelled and will be rescheduled. Future scheduling involving essential functions is not affected by this Order;
 5. Drug Treatment Court and Veterans Court will be conducted through video conference or telephonically.

6. All Court Orders and local rules of Court that address time requirements, time limitations or filing deadlines are tolled beginning March 17, 2020 until further Order of Court;
7. All statewide procedural and administrative rules involving time calculations within the 10th Judicial District for the filing of documents with the court or taking of judicially mandated action are suspended beginning March 17, 2020 until further Order of Court.
8. All Judges within the 10th Judicial District have the discretion to schedule non-emergency matters, either remotely or as safety precautions permit.

BY THE COURT:

President Judge Rita Donovan Hathaway

Attest:

Christina O'Brien, Prothonotary