

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: 31ST JUDICIAL DISTRICT – : No. 48 MM 2020
DECLARATION OF JUDICIAL EMERGENCY :

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY ORDER : NO. 2020-J-0094

2ND AMENDED EMERGENCY ORDER

AND NOW, this 2nd day of April, 2020, the Court having declared a judicial emergency in the 31ST Judicial District of Pennsylvania on March 17, 2020; it being the intention to protect the health and safety of the public and court employees and maintain as high a level of operations and service as possible without compromising legal rights; and in accordance with the Supreme Court's Orders of March 18 and April 1, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

IT IS ORDERED each judicial office may conduct such business, including court proceedings, by telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing and other advanced communication technology as it determines to be appropriate and feasible, subject to constitutional restrictions.

IT IS FURTHER ORDERED the work of the Court shall be processed as follows:

- 1.) Civil Division:
 - a.) All walk-in weekly 9:00 a.m. Civil Motions Courts are cancelled through and including May 1, 2020.

- b.) Arbitrations, jury trials and non-jury trials are continued through and including May 1, 2020, to a new date to be determined.
- c.) Hearings, arguments and conferences (status, pre-trial and settlement) are continued through and including May 1, 2020, to a new date to be determined.
- d.) Emergency civil matters (e.g. petitions seeking injunctions, stays or other relief related to public health *involving immediate and irreparable harm*) will be scheduled in the normal course.
- e.) Non-emergency unassigned miscellaneous matters (e.g., structured settlements, etc.) are continued through and including May 1, 2020, to a new date to be determined; except, Petitions for Change of Name shall remain as scheduled for the Court to call the courtroom for objectors, but petitioners are excused from appearing at that time and will be notified of a new date for hearing without the necessity to re-advertise to the new date.
- f.) Magisterial District Judge civil hearings are continued through and including May 1, 2020, to a new date to be determined by the Magisterial District Judge.
- g.) Mortgage conciliation conferences scheduled for March 18 and April 1, 8, 22 and 29, 2020, are continued to a new date to be determined.
- h.) License suspension and title for motor vehicle hearings scheduled for April 13, 2020, are continued to a new date to be determined.
- i.) Mental health review hearings, pursuant to 50 P.S. §7302, will be scheduled in the normal course.

2.) Family Division:

- a.) Preliminary, final and dismissal/withdrawal hearings under the Protection From Abuse Act will be scheduled in the normal course.
- b.) Indirect criminal contempt hearings under the Protection From Abuse Act will be scheduled by the Family Court Office.
- c.) Custody conferences before the Custody Hearing Officer are continued through and including May 1, 2020, to a new date to be determined.
- d.) Custody pre-trial conferences and trials are continued through and including May 1, 2020, to a new date to be determined.
- e.) Emergency custody petitions will be scheduled in the normal course.
- f.) Domestic Relations conferences, hearings and exceptions are continued through and including May 1, 2020, to a new date to be determined.
- g.) Domestic Relations bench warrants will be scheduled in the normal course.
- h.) Divorce Master's conferences and hearings are continued through and including May 1, 2020, to a new date to be determined.
- i.) Emergent miscellaneous motions and petitions will be scheduled in the normal course; non-emergent miscellaneous motions and petitions are continued through and including May 1, 2020, to a new date to be determined.

3.) Criminal Division:

- a.) Jury and non-jury trials are continued through and including May 1, 2020, to a new date to be determined.
- b.) Summary appeals and Gagnon II hearings are continued through and including May 1, 2020, to a new date to be determined.

- c.) Gagnon I hearings will be scheduled in the normal course.
- d.) Costs, fines and restitution hearings are continued through and including May 1, 2020, to a new date to be determined.
- e.) Bench warrants, body attachments and other emergency matters will be scheduled in the normal course.
- f.) Hearings that have the prospect of releasing the defendant from incarceration (e.g., bail review, habeas corpus, pleas, time-served sentencings, early parole, etc.) shall be scheduled in the normal course upon the joint request of the Commonwealth and the defendant and may be held by video-conferencing with the consent of the defendant.
- g.) All other hearings scheduled through and including May 1, 2020, are continued to a new date to be determined by the Assigned Judge.
- h.) Magisterial District Judge criminal preliminary arraignments and preliminary hearings will be scheduled in the normal course.
- i.) Magisterial District Judge summary trials and truancy hearings scheduled through and including May 1, 2020, are continued to a new date to be determined by the Magisterial District Judge.

4.) Juvenile Division:

- a.) Delinquency detention, adjudication and disposition hearings for juveniles held in secure detention will be scheduled in the normal course and conducted by telephone or video-conferencing where available.
- b.) Delinquency adjudication and disposition hearings for juveniles not held in secure detention scheduled through May 1, 2020, are continued to a new date to be determined.
- c.) Delinquency review of disposition and review of placement hearings will be continued through and including May 1, 2020, to a new date to be determined.
- d.) Dependency adjudication and disposition hearings are continued through and including May 1, 2020, to a new date to be determined.
- e.) Dependency shelter care and permanency review hearings will be conducted by telephone with all counsel and parties as scheduled by Administrative Judge Reichley.

5.) Orphans' Court Division:

- a.) Emergency incapacity petitions pursuant to 20 Pa.C.S.A. §5513 will be heard on a case by case basis per instructions published on the Orphans' Court section of the Court's website at <https://www.lccpa.org/Covid19>.
- b.) Incapacity hearings scheduled for April 22, 2020 are continued to dates to be set by separate scheduling orders.
- c.) Adoption hearings remain as scheduled for May 15, 2020.
- d.) Termination of Parental Rights hearings scheduled for April 23, 24, 27 and 28, 2020, are continued to new dates after May 1, 2020, to be set by separate scheduling orders.
- e.) Conferences remain as scheduled on May 14, 2020, with Judge Reibman and on May 18, 2020, with Judge Johnson.

- f.) Audits and Motions/Miscellaneous hearings remain as scheduled for May 15, 2020.
- g.) Hearings remain as scheduled for May 18 and May 19, 2020.
- h.) Lehigh County residents who have confirmed wedding dates in April and May 2020 may submit applications for marriage licenses pursuant to directions published on the Marriage License section of the Court's website <https://www.lccpa.org/Covid19>.

6.) Sheriff's Sales scheduled for March 27 and April 24, 2020, are continued to the next scheduled date.

7.) Naturalization ceremony scheduled for April 8, 2020, is continued to July 1, 2020.

IT IS FURTHER ORDERED the operation of Pa.R.Crim.P.No. 600 is suspended in the 31st Judicial District through May 1, 2020, so that the time period from the date of this order through May 1, 2020, shall be excluded from the time computation under Pa.R.Crim.P.No. 600(C) without prejudice to a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions.

IT IS FURTHER ORDERED time calculations for the purpose of time computation relevant to court cases and other judicial business, as well as time deadlines, are suspended through May 1, 2020, subject to constitutional restrictions.

IT IS FURTHER ORDERED any legal papers, pleadings, motions or petitions, including original service, required to be filed or effected between March 17, 2020, and May 1, 2020, shall be deemed to have been filed timely if they are filed by May 21, 2020, or on a later date as permitted by court order, subject to constitutional restrictions, statute of limitations or appellate court direction.

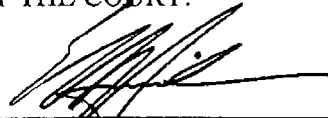
IT IS FURTHER ORDERED Payments rendered to the Magisterial Court shall not be made in person, but may be accepted by mail, electronically (online), or by telephone. In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District court shall issue a hearing notice scheduling a payment determination hearing to be held on a new date after May 1, 2020. 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.

IT IS FURTHER ORDERED, through and including May 1, 2020, no officer, official or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejectment, or other displacement from a residence based upon the failure to make a monetary payment. Such payments include rent, loan, mortgage loan, property tax and other similar payments. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed through May 1, 2020, subject to further order.

IT IS FURTHER ORDERED, to the extent possible, all proceedings shall be undertaken consistent with guidance from the United States Centers for Disease Control and Prevention.

IT IS FURTHER ORDERED this Order supersedes all previous Emergency Orders.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Edward D. Reibman', written over a horizontal line.

EDWARD D. REIBMAN, P.J.