

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 28th day of May, 2020, having previously declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through August 31, 2020.

I. Public Access to Court Facilities

- A Court Facility includes, but is not limited to:
 - The Civil Division located on the 7th and 8th floors of the City-County Building and the Housing Court Help Desk, located on the first floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219;
 - The Criminal Division located on the 3rd and 5th floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219;
 - The Family Law Center located at 440 Ross Street and 559 Fifth Avenue, Pittsburgh, PA 15219;
 - The Orphans’ Court Division, located on the 17th floor of the Frick Building, 437 Grant Street, Pittsburgh, PA 15219;
 - Pittsburgh Municipal Court, 660 First Avenue, Pittsburgh, PA 15219;
 - All Magisterial District Courts located in Allegheny County;

- All Adult Probation Offices, located in Allegheny County;
- All Juvenile Probation Offices including the six Community Intensive Supervision Program sites located in Allegheny county;
- The Juvenile Dependency Hearing Officer Courtrooms located at:
 - 1) (East Region) 10 Duff Road—Suite 208, 10 Corporate Center, Penn Hills, PA 15235;
 - 2) (Mon Valley Region) 355 Lincoln Highway, North Versailles, PA 15137;
 - 3) (North Region) 421 East Ohio Street, Pittsburgh, PA 15212; and
- Any Administrative Offices of the Fifth Judicial District.
- All court facilities, including the courtrooms in all Divisions of the Court of Common Pleas, the Magisterial District Courts and the City of Pittsburgh Municipal Court, will be open to the public for matters as specified below in this Order.
- Persons must wear masks to enter and remain in any court facility. Persons who are not compliant with this order, will be required to leave the court facility.
- Persons who enter any court facility shall comply with CDC and Health Department recommendations for social distancing as well as any signage posted in or on court facilities or instructions from a judge, judicial officer, Sheriff's deputy, police officer, constable, building security, or court employee.
- News media shall be permitted into court facilities but only in a manner that is consistent with public safety. Cameras will not be allowed in any court facility, unless specifically authorized by the President Judge, Administrative Judge of a Division, or the District Court Administrator.

- Sheriff's deputies, police, constables, and building security assigned to any court facility are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19. Any person excluded or removed for health concerns shall be provided with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into any court facility, subject to restrictions above. Friends and family members may be required to wait outside the facility.
- Sheriff's deputies, police, constables, and building security shall have the authority to enforce all of the conditions in this section. Persons who are not compliant with this order, will be required to leave the court facility.

II. Methods for Conducting Proceedings

- Whenever appropriate and feasible, and as directed by the President Judge, the Administrative Judges of the Divisions, and the District Court Administrator, court proceedings shall be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website.
- When it is determined that conducting court proceedings through ACT is not appropriate or feasible, court hearings and proceedings shall be

conducted utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- Any administrative order, policy, or protocol issued by an Administrative Judge requiring certain proceedings to be conducted through ACT shall be followed. Any exceptions to such an administrative order, policy, or protocol must be approved by the Administrative Judge of the Division.
- In order to prevent overcrowding, court appearances and hearing times shall be staggered, and the Administrative Judges may require that scheduling of cases be centralized in each division.
- Requests or Motions for Continuance should be liberally granted.
- Attorneys should encourage their clients to refrain from having non-participants accompany them to court proceedings.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- All persons participating in a court proceeding, including but not limited to, judges and judicial officers, attorneys, court employees, court reporters, witnesses, and spectators, are required to wear a mask for the entire proceeding. The judge or judicial officer may permit a person to temporarily remove the mask to take testimony or where the presence of a mask would affect the ability to judge credibility, provided that the requirements for social distancing are followed.

- Orders prohibiting and limiting the use of cellular phones in courtrooms and court facilities remain in effect. However, due to the requirements for social distancing, an attorney may use a cellular telephone to communicate with a client or a witness while outside of the courtroom. An attorney may use a cellular telephone to confer with a client by text messaging during a court proceeding or matter in progress; to summon witnesses waiting in another location, to the courtroom; or for such other purpose deemed appropriate by the judge or judicial officer presiding over the court proceeding.
- The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions.
- Taking the testimony of witnesses through ACT is strongly encouraged. However, when a witness must testify in person in a courtroom, the witness may be required to wait in another location until such time as the court is prepared to take the testimony of the witness. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.
- News media may be permitted into a courtroom, if social distancing can be maintained. The court may designate certain seats for the news media, however, seats for attorneys, parties to the proceedings and essential court staff take priority over seats for the news media.
- Sidebar conferences are prohibited until further order of court.

III. Time Calculations and Deadlines

- Except as otherwise set forth in this Order, the suspension of time calculations due to the judicial emergency that began on March 16, 2020 ends at the end of the day on June 1, 2020.
- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. The suspension began on March 16, 2020 and continued through June 1, 2020—or for 78 days. New deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency as applied to the particular time calculation) to the original deadline. The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running.
- For example, if an original 30-day deadline fell on March 19, 2020, and the period of suspension under the judicial emergency was 78 days (March 16th through June 1st), the new deadline would be June 5, 2020 (78 days after March 19th). In this example, the particular time calculation stopped running during the entire 78-day suspension when it would have otherwise been running. If, however, a deadline expired before the judicial emergency began, then that deadline would not be extended by the judicial emergency.
- The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running. For example, if a 20-day time period begins running on May 27, 2020, when a complaint is served, then the original 20-day deadline

would be June 16, 2020. The period during which this particular time calculation would be suspended by the judicial emergency would be 6 days (from May 27th through June 1st) and the new deadline would be June 22, 2020 (6 days after June 16, 2020). Stated differently, if a 20-day time period begins running on May 27, 2020, when a complaint is served upon the defendant, the parties start counting the 20-day time period from June 2, 2020, (i.e. June 3rd is day one), and the new deadline is again June 22, 2020.

- If, however, the particular time calculation does not start to run until after June 1, 2020, then the deadline would not be extended as it would be unaffected by the suspension. For example, if a 20-day time period begins running on June 3, 2020 when a complaint is served then the original 20-day deadline of June 23, 2020 would not be extended.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. See *Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- The suspension of Rule 600, subject to constitutional limitations, as indicated in this Court's previous Emergency Operations Orders, began on March 16, 2020 and will continue through August 31, 2020, subject to further order of court.
- Jury trials in both the Civil and Criminal Divisions remain suspended until further Order of Court.
- Attorneys and litigants shall not use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct.

Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.

IV. Transportation, Signatures, Fingerprinting, and Publication

- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.

- Until further Order of Court:
 - No inmates will be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.
 - Juveniles will not be transported from Shuman Detention Center or Hartman Shelter for court hearings
 - Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be considered before issuing the order to transport.
 - All juveniles or inmates who are being transported shall wear a mask.
 - The Sheriff's deputies may refuse to transport an inmate or juvenile who is visibly ill, who is exhibiting symptoms of COVID-19, or who refuses to wear a mask, and shall immediately notify the assigned judge.

- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to,

facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. *Pro se* litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a *pro se* litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

- In the interest of public health, the *Pittsburgh Legal Journal* shall be published as an electronic PDF through the duration of the judicial emergency in the Fifth Judicial District. During the judicial emergency, proofs of publication produced by the *Pittsburgh Legal Journal* can be properly verified and signed by a notary public only, instead of a notary public and an affiant as is typically required. Proofs of publication may be mailed or emailed to relevant parties. Records of all electronic proofs of publication and email correspondence shall be preserved.

V. Civil Division

- Where appropriate and feasible, Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See

Protocol for Teleconference Hearings posted on the Fifth Judicial District website.

- Non-jury trials shall commence beginning in June 2020. Where appropriate and possible, such non-jury trials shall be conducted using Advanced Communication Technology (ACT). When it is not appropriate and possible to use ACT for non-jury trials, all parties, lawyers, witnesses, and persons participating in the trial must follow the Fifth Judicial District's protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
 - (1) Calendar Control Motions,
 - (2) Housing Court Motions.
 - (3) Discovery Motions,
 - (4) General Motions (contested and uncontested),
 - (5) Oral arguments on Preliminary Objections,
 - (6) Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
 - (7) Conciliations relating to cases on the May 2020 Trial List, and
 - (8) All other matters scheduled by any individual judge relating to a case specifically assigned to that judge, unless litigants lack the ability to participate using Advanced Communication Technology and under such circumstances, the individual Judge will utilize appropriate methods to adjudicate and/or conduct arguments/hearings utilizing protocols and policies relating to the

use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- See the Fifth Judicial District website, www.alleghenycourts.us, for procedures and instructions relating to the following matters, including Operating Procedures for all judges and remote submissions of the following:
 - (1) Calendar Control Motions;
 - (2) Discovery Motions;
 - (3) General Motions;
 - (4) Preliminary Objections; and
 - (5) Motions for Summary Judgment/Judgment on the Pleadings.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.

- All prior Fifth Judicial District Court Orders regarding the suspension of evictions and related proceedings due to the judicial emergency shall expire at the end of the day on June 1, 2020. The Governor's Orders of May 7, and May 22, 2020, prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease remain in effect. Landlord tenant actions filed prior to March 16, 2020, may proceed pursuant to applicable rules and laws.

- Arbitration hearings will resume in June of 2020 utilizing the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order. However, where all parties agree to using Advanced Communication Technology (ACT), or by Order of Court upon cause shown by one or more parties, arbitration hearings may be conducted remotely through use of ACT.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely where appropriate and possible using ACT. Where the litigants are unable to participate remotely utilizing ACT, the Board of Viewers may proceed with in-person hearings, as necessary, utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- In any case specially assigned to a judge, the judge assigned shall attempt to utilize Advanced Communication Technology for all hearings, conferences, and/or oral arguments on such matters so assigned. Where one or more parties is unable to participate using Advanced Communication Technologies, then under such circumstances, the assigned judge may conduct in-person hearings, conferences, and/or oral arguments utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- The Commerce and Complex Litigation Center will hear all petitions, motions, conciliations, and hearings remotely using Advanced Communications Technology; see the standardized operating procedures for Administrative Judge Christine A. Ward, and Judge Philip

Ignelzi, available on the Fifth Judicial District website, www.allegheycourts.us for information concerning matters assigned to the Commerce and Complex Litigation Center.

VI. Criminal Division

- Criminal Division courtrooms will be open and operating for proceedings commencing on June 1, 2020. Where appropriate and feasible, Criminal Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- Whenever possible and with the consent of the defendant, guilty pleas shall be conducted through Advanced Communication Technology.
- Where it is appropriate and feasible, and with the consent of the defendant and the attorney for the Commonwealth, non-jury trials may be conducted, in whole or in part, through Advanced Communication Technology.
- Bail hearings shall continue to be conducted through videoconferencing. If a hearing cannot be conducted through videoconferencing, the hearing shall be held by audio or teleconferencing.
- Bail review hearings and other miscellaneous motions and matters will be addressed in daily motions court. Protocols for these motions are

posted on the Fifth Judicial District website. All hearings will be conducted through Advanced Communication Technology.

- All bail and miscellaneous motions for cases at the Court of Common Pleas level can be filed through PACFile or filed in person and brought to the motions counter in room 534 of the courthouse. All bail motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to DCRCriminal@AlleghenyCounty.us. A copy of any such motion at either level, and/or a Bail Review Request form which can be found on the Criminal Division page of Fifth Judicial District website, shall be submitted to PTS_Bail_Questions_Bin@alleghenycourts.us.
- All motions to lift detainers can be filed through PACFile and emailed to the assigned judge and his/her staff or filed in person at the Office of Court Records and brought to the appropriate courtroom. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- All attorneys are required to engage in a Case Status Conference (CSC) for every case with the opposing counsel at least one week prior to the next scheduled court date. The CSC shall be conducted through Advanced Communication Technology. Protocols for the CSC are posted on the Fifth Judicial District website. All parties shall comply with the Case Status Conference Administrative Order of Court entered by Administrative Judge Jill Rangos on May 8, 2020, posted on the Fifth Judicial District website at the following link. https://www.alleghenycourts.us/downloads/criminal/administrative_orders/Case%20Status%20Conference%20Administrative%20Order.pdf

- Effective June 1, 2020, electronic monitoring supervision by the Adult Probation Department will be available at the discretion of the Criminal Division judges.
- Summary and statutory appeal hearings will resume effective June 1, 2020 at a reduced volume and on a staggered court schedule. Dates and times of hearings can be found on UJSportal.pacourts.us.
- The motions counter in Room 534 in the Allegheny County Courthouse will reopen to the public on June 1, 2020. All persons must comply with the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

VII. Family Division

Child Support, Divorce, Alimony, and Equitable Distribution of Property

- The Regional Offices located in Penn Hills and Castle Shannon shall remain closed to the public. Information can be obtained by calling (412) 350-1500 or (412) 350-5600, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Consent Agreements and Orders may be sent to the following email address for review and processing: pacsessupportconsentagreement@pacs.es.com
- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghe.nycourts.us
- Child and/or spousal support and Alimony *Pendente Lite* conferences and hearings originally scheduled between March 16, 2020 and May 11, 2020 have been or shall be rescheduled by court order with the proceedings being scheduled effective June 8, 2020. All conferences and hearings will be conducted telephonically until further notice. A continuance Order and telephonic instructions will be sent by US Postal Mail and, when possible, by text message.
- All scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.
- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at alleghe.nysupportexceptions@pacs.es.com. The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.

- Masters' conciliations regarding complex support and/or equitable distribution scheduled after May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' hearings scheduled after May 4, 2020 shall be converted to a conciliation.
- Masters' conciliations and hearings originally scheduled between March 16, 2020 and May 4, 2020 have been or will be rescheduled as a conciliation by teleconference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.
- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- Questions about child support and custody may be directed to (412) 350-1500 or (412) 350-5600, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Custody

- Custody motions will be addressed on a case by case basis. Any matter may be presented to the Court by Motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures posted on the Fifth Judicial District website.

- For new custody cases originating by motion without a judicial assignment, please contact the Court by email at emergencycustody@alleghenycourts.us with the following information: parents' names and dates of birth and the child(ren)'s names and dates of birth. The Court will respond to the inquiry with the appropriate judicial designation.
- *Pro se* emergency custody motions will be addressed by completing the Court's online submission platform for the same on the Fifth Judicial District website.
- Questions concerning custody matters may be submitted by email to custodydepartment@alleghenycourts.us or by leaving a message at 412-350-4311. Emails and calls will be returned during regular business hours. For questions concerning an emergency custody matter, please call 412-350-1500, Monday through Friday, between 9:00 AM and 3:00 PM.
- Until further Order of Court, the Generations education seminar requirement shall be completed by reading and reviewing the Generations booklet, which is posted on the Fifth Judicial District website. The password to access the booklet is contained in the scheduling order. For litigants who do not have access to the internet, please call 412-350-4311 to receive the materials by regular mail.
- Until further order of Court, the Generations mediation session, DRO custody conciliation, interim relief hearing, and partial custody hearing before the hearing officer, shall be conducted remotely, either by teleconference or videoconference, at the Court's direction. Five (5) days in advance of the scheduled court event, litigants shall send

contact information (telephone number and email address) where they may be reached by the Court on the date and time of the scheduled court event to custodydepartment@allegheycourts.us or by phone at 412-350-4311. Failure to timely provide this information to the Court may result in the proceeding not being held and/or a delay in scheduling/rescheduling the custody case.

- All other custody proceedings, including those scheduled to be heard before the assigned Judge, shall be heard remotely by teleconference or videoconference at the Court's direction, until further Order of Court and unless the judge requires an in-person proceeding. Litigants should carefully review the scheduling order issued for each matter for information on the remote requirements, witness testimony, and submission of evidence and exhibits.
- Exceptions to Hearing Officer Custody Recommendations shall be filed at the Allegheny County Department of Court Records, with a copy sent to the Court via email at custodydepartment@allegheycourts.us.

Protection from Abuse

- Effective June 1, 2020, all Temporary Protection From Abuse matters will be addressed at the Family Law Center, 440 Ross Street, Room 3030, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection From Abuse Petitions will be prepared and processed between the hours of 8:00 A.M. and 2:00 P.M., and

videoconference hearings will be conducted until 2:00 P.M, Monday through Friday. This timeframe may be modified upon further order.

- Emergency Protection From Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and on court holidays at the Pittsburgh Municipal Court Building, 600 First Avenue, Pittsburgh, PA 15219
- Final Protection From Abuse Hearings shall be heard through Advanced Communication Technology (ACT), until further Order of Court.
- Temporary Protection From Abuse Orders that were entered during the judicial emergency or that were extended due to the judicial emergency shall expire on June 16, 2020, unless an order entered after May 28, 2020 sets a different expiration date.
- Defendants (or their attorneys) intending to contest a Protection From Abuse action and participate in a hearing must submit an "Intent to Defend" form prior to the scheduled hearing. If the Defendant appears at the hearing without having completed and submitted the Intent to Defend form prior to the scheduled hearing, the hearing may be postponed and the Temporary PFA Order may be extended until the rescheduled hearing date.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication

Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.

- Effective Monday, June 1, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M., please call (412) 350-4441 for questions concerning Protection from Abuse.

Juvenile Matters

- All Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- Effective, June 1, 2020, all Juvenile Court matters will be heard by the assigned judges according to the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.

- Shelter Care Hearings will be heard four days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.
- Emergency motions will be heard in accordance with the weekly motions judge schedule. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghenycourts.us, the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.

- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- Initial prehearing conferences shall be conducted through Microsoft Teams. With the consent of the parties, all other matters may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.
- Private Dependency Petitions and Petitions to Modify/Enforce Permanent Legal Custodianship Orders shall be processed electronically or by US Postal Mail. Complete instructions are available on the Fifth Judicial District website.
- Questions concerning dependency matters, termination of parental rights, adoptions and juvenile scheduling matters may be submitted by email to childrenscourt@alleghencycourts.us or by calling 412-350-0377, Monday through Friday, between 9:00 AM and 3:00 PM. Emails and calls will be returned during regular business hours.

VIII. Orphans' Court Division

- Whenever appropriate and feasible, Orphans' Court Proceedings should be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See

Protocol for Teleconference Hearings found on the Fifth Judicial District website. Proceedings in Orphans' Court cases that are specially assigned to a judge may, at the discretion and direction of the judge, be conducted in-person in open court.

- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the Orphans' Court Division for assignment to the trial judge or motions judge:
 - (1) Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
 - (2) Petitions requesting the issuance of a Citation or Rule to Show Cause;
 - (3) Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, guardianships of incapacitated persons and minors, and review of involuntary civil commitment;
 - (4) Petitions to Settle a Small Estate;
 - (5) Petitions for Allowance involving minors or incapacitated persons; and
 - (6) Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest.
- Petitions or motions that are contested must comply with the requirements of Rule 3.1 of the Allegheny County Orphans' Court Division Rules and shall be presented in-person in open court to the motions judge at 9:30 a.m. or at such time and manner, including via Advanced Communications Technology, as directed by the motions judge.

- In-person in court proceedings must follow the protocols and policies relating to the use of masks or other personal protective equipment, social distancing and other guidance specified in Section II of this Order.
- Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

XI. Magisterial District Courts

- All Magisterial District Courts and Pittsburgh Municipal Court are open for designated court proceedings as set forth in this order.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan and the Pittsburgh Municipal Court, City of Pittsburgh COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plans.
- Magisterial District Judges will remotely handle criminal case initiation and processing through Preliminary Arraignment. The remote operations include:
 - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.
- Preliminary hearings with incarcerated defendants will be conducted using Advanced Communication Technology.

- Preliminary hearings for non-incarcerated defendants may be conducted using Advanced Communication Technology.
- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujportal.pacourts.us. Cash payments at the Magisterial District Courts may be accepted at the discretion of the Magisterial District Judge. Cash payments will not be accepted at Pittsburgh Municipal Court.
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.
- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.

- The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.
- Emergency Protection From Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and court holidays. Until further Order of Court, all Protection From Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary Protection from Abuse Petitions.
- All proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.
- Private complaint interviews will not take place at the Magisterial District Courts. Please refer to the Allegheny County District Attorney's website for directions for filing a private complaint at <http://alleghenycountyda.us/>.

- All prior Fifth Judicial District Court Orders regarding the suspension of evictions and related proceedings due to the judicial emergency shall expire at the end of the day on June 1, 2020. The Governor's Orders of May 7, and May 22, 2020, prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease remain in effect. Landlord tenant actions filed prior to March 16, 2020, may proceed pursuant to applicable rules and laws.

BY THE COURT:



P. J.

Kim Berkeley Clark
President Judge

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

COVID – 19 Pittsburgh Municipal Court Protocol

Due to the Covid-19 Pandemic Pittsburgh Municipal Court has modified/alterd their operations.

Safety Measures:

- Court users will enter through the main entrance.
- Employees will enter through the employee entrance.
- Court users will exit the building in the back - new designated exit door on the first floor - towards the river.
- Security guards will be at the entrance and exit.
- Court users will go through security.
- Court users will not be readmitted at the exit (if a person goes outside for a cigarette break – they will have to enter in the front of the building).
- Face masks are required – no person will be permitted into PMC without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility
- Case participants are the only people permitted in the facility.
- News media will be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to Pittsburgh Municipal Court. Please contact Pittsburgh Municipal Court in advance of the hearing.
- Sneeze guards will be installed at the bench.

Scheduling:

- Pittsburgh Municipal Court will have staggered appearance times:
 - Every 15 minutes beginning at 8:00 a.m. – 11:00 a.m.
 - Every 15 minutes beginning at 12:30 p.m. – 4:00 p.m.
 - The number of cases scheduled will ensure proper social distancing.
- Criminal Cases month of June:
 - Criminal cases will be heard in 2 – 3 courtrooms, city, traffic and non-traffic courtrooms, every morning and afternoon.
 - Please check hearing notice for courtroom assignment.
 - Parties will check in at a window designated for the courtroom assignment. There will not be a general check in on the first floor.
 - Police will check in per the District Attorney directions.

- All case files will remain on the bench.
- Parties are encouraged to conference with one another prior to the court proceeding.
- Summary Hearings month of June:
 - Traffic summary hearings will be heard in 2 courtrooms, traffic and non-traffic.
 - Days will vary in June with some Friday hearings.
 - If a court user was ordered to complete community service on a case, please send completion documentation prior to hearing date. If approved, parties will not have to appear.

Hearings:

- Parties are to remain at counsel tables and not approach the bench.
- Parties must speak loudly so FTR can record.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytx.com and ujportal.pacourts.us.
- Payments may be made by cash if safety procedures are followed.

Criminal Case Filings – Police Agencies:

- All criminal cases filed at Pittsburgh Municipal Court shall be handled remotely
- Police agencies please refer to the Pittsburgh Municipal Court Covid-19 Criminal Processing Plan.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 2:00 p.m. through 8:00 a.m., and Friday from 2:00 p.m. through Monday at 8:00 a.m.

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

Revised Magisterial District Courts COVID – 19 Plan

Due to the Covid-19 Pandemic Magisterial District Courts in the Fifth Judicial District have modified/alterd their operations.

Safety Measures:

- Court users may be checked/wanded by a state constable upon entry.
- No one will be permitted into the District Court without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility.
- Some District Courts will have a check in procedure wherein parties will be instructed to check in/provide phone number and wait outside (could wait in an automobile).
 - Parties will be called when it is time for their hearing.
- Case participants are the only people permitted in the facility.
- News media may be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to District Court. Please contact the District Court in advance of the hearing.

Scheduling:

- The Magisterial District Courts will be staggering appearance times to ensure proper social distancing.
- Parties are required to be on time for their court proceeding.
- Parties are encouraged to conference with one another prior to the court proceeding.
- If you were to complete community service check with District Court about sending completion paperwork prior to scheduled hearing date. Some District Courts may accept without court appearance.

Hearings:

- Incarcerated individuals will not be transported to the Magisterial District Courts. These individuals will appear for the preliminary hearings via video.
- Interpreters will work remotely by either phone or video.

Case Filings:

May 27, 2020

- Civil/LT cases will be accepted by mail.
- If a party wishes to file in person, please contact the District Court to schedule an appointment time.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Lock boxes may be provided for cash payments.
- District Courts may accept cash payments if processed safely.

Criminal Case Processing:

- The Magisterial District Courts will not be conducting any criminal case initiation or arraignments in person at the District Court.
- All criminal case initiation, requests for arrest warrants, on-view arrest complaints and search warrants, will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan.
- All criminal arraignments will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan. Arraignments on outstanding arrest warrants or on-view cases will take place at either the local police station or the Allegheny County Jail.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 2:00 p.m. through 8:00 a.m., and Friday from 2:00 p.m. through Monday at 8:00 a.m.