

IN RE: : IN THE COURT OF COMMON PLEAS OF
REOPENING OF THE COURTS : CUMBERLAND COUNTY,
YELLOW PHASE : PENNSYLVANIA
:
: NO: CP-21-MD-0000202-2020

ADMINISTRATIVE ORDER

AND NOW, this 22nd day of May, 2020, the Governor having moved Cumberland County to the “Yellow Phase” of reopening during the COVID-19 pandemic, it is hereby ordered and directed that beginning May 26, 2020, the Court of Common Pleas and ALL District Courts will be open to the public for official business subject to the following conditions and limitations:

1. All common pleas judges, magisterial district judges, and hearing officers, when reasonably possible, should do the following:
 - a) Utilize, and encourage litigants to utilize, to the fullest extent available, telephonic, video/audio devices and other advanced communication technology to reduce personal appearances for hearings, trials, meetings, conferences, and similar proceedings or gatherings;
 - b) Stagger court appearance times to reduce crowding;
 - c) Limit meetings, conferences and other gatherings to essential participants and arrange seating to avoid close personal contact;
 - d) Liberally grant requests for continuances.

2. When a hearing or other proceeding, in the sole discretion of the judge, MDJ or hearing officer, should not be held using the methods set forth in 1 (a), access to judicial facilities (including MDJ offices) of the 9th Judicial District shall be limited to the following persons:

- a) Court and County employees, officials, and people with badge keycard credentials;
 - b) In Criminal proceedings: attorneys, defendants, witnesses, and victims (this does not include friends or family members of the above). In Civil proceedings only attorneys and litigants (witnesses, other than parties, in civil proceedings shall testify electronically, including by phone or video).
 - c) Individuals with a bona fide business need before a Court or Court-related office;
 - d) Attorneys, litigants, or their representatives filing papers or pleadings, INCLUDING walk-in *pro se* petitioners for protection from abuse, or making monetary payments, (although they are encouraged to do so by mail or electronically whenever possible); and
 - e) Members of the media.
3. All common pleas judges, magisterial district judges, and hearing officers **shall**:
- a) Enforce social-distancing at all times. (If a hearing or proceeding requires too many participants to have access to the judicial facility to make social distancing practical, it shall be within the sole discretion of the judge, MDJ, or hearing officer to continue or proceed with the matter). If the proceeding occurs all participants other than counsel and the parties shall be sequestered outside the hearing room or facility until the appropriate time.
 - b) Require all witnesses in civil proceedings, other than litigants, to testify telephonically or by other advanced communication technology.
 - c) Require all incarcerated individuals (whether in civil or criminal proceedings) to participate electronically. Provided, however, if the defendant in a criminal proceeding has the right to be in court for the proceeding and refuses to waive that right, the prisoner shall be transported to the proceeding by the Sheriff, constable or other law enforcement officer. The proceeding must be conducted in accordance with this order.
4. All individuals entering any judicial facility shall observe social distancing at all times. Furthermore all such individuals shall wear an

appropriate face covering unless given permission (or requested) by the judge or hearing officer to remove it during the proceeding.

5. All prior orders dealing with the transport of prisoners during the pandemic are vacated. The Cumberland County Sheriff Deputies and law enforcement officers, including local and state police as well as constables, are hereby authorized and directed to decline transportation of prisoners from any prison/jail despite a valid transportation order if they have reason to believe the prisoner may have COVID 19 or any other infectious disease. Any such person declining transportation shall immediately contact the judge/MDJ/hearing officer expecting the prisoner.
6. Common pleas judges, magisterial district judges and hearing officers shall have broad discretion to schedule, continue and conduct hearings, trials and other proceedings in accordance with the above.

It is further **ORDERED** that the Sheriff of Cumberland County, his designee, other law enforcement officers and constables are_ authorized to enforce this Order and to bar or remove_individuals from the premises of any judicial facility. MDJs are specifically authorized to hire constables to enforce this Order during their business hours.

By the Court,



Edward E. Guido, P.J.

Cumberland County Bench; District Attorney; Public Defender; The Sheriff of Cumberland County;
Attorneys Attached to Affected Active Cases; Defendants with Affected Active Cases;
Cumberland County Law Journal; Clerk of Courts; Prothonotary; Register of Wills; Recorder of Deeds;
Court Administrator; Prothonotary of the Supreme Court of Pennsylvania; AOPC