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IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA

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**IN RE: DECLARATION OF JUDICIAL EMERGENCY IN THE 15TH JUDICIAL DISTRICT ON ACCOUNT OF COVID-19 ("CORONAVIRUS")**

**SECOND AMENDMENT TO ADMINISTRATIVE ORDER NO. 6-2020;**  
**SUPREME COURT DOCKET NO. 54 MM 2020**

AND NOW, this 17th day of April, 2020, in consideration of the Pennsylvania Supreme Court's April 1, 2020 order extending the statewide judicial emergency declared by that court in its order of March 16, 2020, and authorizing president judges to declare judicial emergencies in their judicial districts through May 31, 2020, it is hereby **ORDERED** and **DECREED** that the March 19, 2020 Administrative Order No. 6-2020 of this court is further amended as follows:

1. All Chester County courts of common pleas and magisterial district courts generally will be closed to the public for non-essential functions through May 31, 2020.

**Common Pleas Courts**

2. The essential functions for which the public will be permitted to enter the Chester County common pleas courts, in addition to those described in the March 19, 2020 Administrative Order No. 6-2020, shall include preliminary hearings and negotiated guilty pleas for non-incarcerated defendants, beginning on May 4, 2020.<sup>1</sup>
3. 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 through May 31, 2020.
4. All jury and non-jury trials, both criminal and civil, are hereby canceled and suspended through May 31, 2020.
5. Unless otherwise required herein, or the assigned judge determines that such matters may be conducted through the use of advanced communication technology consistent with constitutional limitations, any in-person pretrial conference, case management conference,

<sup>1</sup> From the date of this order, through May 31, 2020, the essential functions for the common pleas courts may be expanded by further Administrative Order or amendment.

status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, is hereby postponed through May 31, 2020. In accordance with the assigned judges' authority, the assigned judge may handle any non-essential matter he or she deems appropriate, provided judicial personnel, attorneys and other individuals can and do act in conformity with orders issued by the Governor, and that persons, not otherwise permitted to enter the Chester County Justice Center, participate in such matters remotely by advanced communication technology.

6. All in-person visitation between children under the jurisdiction of the Dependency Court, and their families, shall be suspended through May 31, 2020. The Chester County Department of Children, Youth and Families shall make every effort to facilitate forms of visitation and contact between such children and their family members by alternate means, including but not limited to, video calls, telephone calls, electronic mail, letter writing and other advanced communication technology.

#### **Magisterial District Courts**

7. The essential functions for which the public will be permitted to enter the Chester County magisterial district courts, in addition to those described in the March 19, 2020 Administrative Order No. 6-2020 and the April 2, 2020 Amendment to Administrative Order No. 6-2020, shall include preliminary hearings and negotiated guilty pleas (in lieu of preliminary hearings) for non-incarcerated persons, beginning on May 4, 2020.<sup>2</sup>
8. Due to staffing limitations of the District Attorney's office and Public Defender's office, no more than three (3) magisterial district courts shall hold preliminary hearings during any one day in May of 2020. Magisterial district courts are encouraged to give notice to preliminary hearing defendants and their attorneys that waivers of the preliminary hearings may be arranged by appointment prior to the date of the preliminary hearing. For scheduling purposes, oldest cases should be scheduled first.
9. In order to share the burden of presiding over preliminary hearings held in abeyance since Pennsylvania courts were generally closed at the close of business on March 19, 2020, all preliminary hearing cases for non-incarcerated defendants pending before the magisterial

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<sup>2</sup> From the date of this order, through May 31, 2020, the essential functions for the magisterial district courts may be expanded by further Administrative Order or amendment.

district courts through the date of this order, and involving a driving under the influence charge and/or at least one felony charge, shall be promptly transferred by the magisterial district courts to the court of common pleas. The Chester County court administrator shall promptly schedule preliminary hearings of those transferred cases before common pleas judges, after consultation with the supervising judge of the criminal court, the district attorney and the public defender.

10. As previously communicated to the magisterial district judges, they may limit the total number of persons entering the court to allow appropriate social distancing (e.g., a total of 10 persons at one time in the court), and utilize the services of a constable to enforce that limit, take temperatures of people requesting entry and prohibit the entry of those with elevated temperatures, who appear sick, or are not wearing a mask. Hearings should also be staggered and, when reasonably possible, advanced communication technology used to reduce personal appearances.

11. Each magisterial district judge may handle any non-essential matter he or she deems appropriate, provided judicial personnel, attorneys and other individuals can and do act in conformity with orders issued by the Governor, and that persons, not otherwise permitted to enter the magisterial district court, participate in such matters remotely by advanced communication technology.

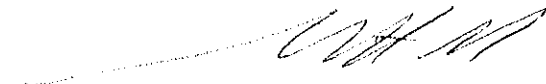
(Essential functions for magisterial district courts do not include summary offense arrest processing. Magisterial district judges are directed not to participate in or authorize such summary offense arrests through May 31, 2020.)

12. Payments rendered to the magisterial district courts will not be made in person but may be accepted by mail or electronically (online), as may be permissible in the magisterial district court receiving the payment. 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 May 31, 2020. Such missed payment or default shall not result in the issuance of an arrest warrant for failure to make a payment, nor shall the non-payment result in driving privileges being suspended, prior to such hearing.

**General**

13. Through May 31, 2020, no officer, official, or other person employed by the Chester County court of common pleas or magisterial district courts shall effectuate an eviction, judgment, 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 judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is hereby stayed through May 31, 2020.
14. All previously scheduled trials, hearings or other in-person appearances, not otherwise referenced herein, and which do not fall within the previously and herein defined essential functions, are hereby canceled and suspended through May 31, 2020, including any for the juvenile probation office, adult probation office, court reporters' office, and domestic relations office. Said offices shall use advanced communication technology to provide such canceled and suspended services if possible.
15. These additional modifications to the 15th Judicial District's functions supersede and replace any modifications described in any prior Administrative Orders issued in March of 2020 and April of 2020, to the extent that there is a conflict between these modifications and those preceding modifications.
16. This Administrative Order is effective immediately.

BY THE COURT:



JOHN L. HALL

P.J.