

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Extension and Expansion of :
Magisterial District Courts' :
*Limited Operations*¹ : DELAWARE COUNTY NO. 5120-17

FOURTH EMERGENCY ORDER EXTENSION and AMENDMENTS – MAGISTERIAL
DISTRICT COURT OPERATIONS, AS AMENDED²

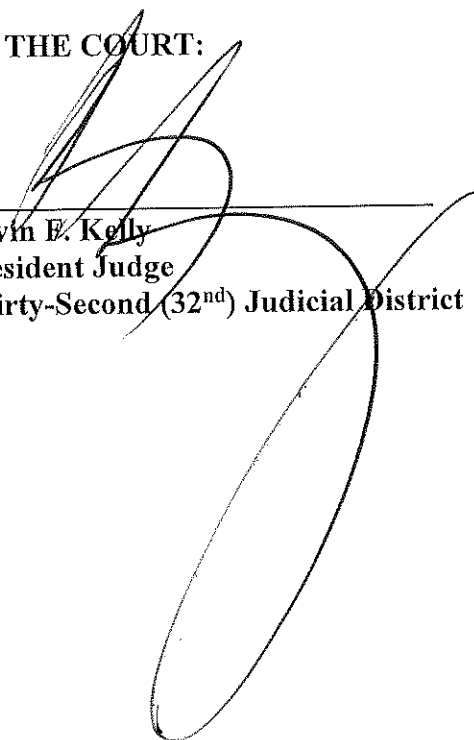
AND NOW, this 7th day of August, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,³ as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the Magisterial District Court Administrator that such directives of July 24, 2020,⁴ **SHALL** be **AMENDED** to reflect the designation and readying of five (5) magisterial district court facilities as of **SEPTEMBER 1, 2020**, for the public filing of certain civil actions subsequently to be determined, as well as the lodging of non-traffic citations and other local court transactions per that which the attached protocol more further details.⁵

Except to the extent ordered above, this court's Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated July 24, 2020,⁶ **SHALL** remain in full force and effect.

That directed above and/or via the appended protocols as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁷

BY THE COURT:



Kevin E. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Emergency Order – Magisterial District Court Operations dated March 18, 2020; Emergency Order Extension – Magisterial District Court Operations dated April 9, 2020; Second Emergency Order Extension – Magisterial District Court Operations dated May 4, 2020; Third Emergency Order Extension – Magisterial District Court Operations dated June 1, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations dated July 16, 2020, and Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated July 24, 2020.

² ***The amendments adopted by this order detail the readying of five (5) magisterial district court facilities as of September 1, 2020, for the public filing of certain type civil actions subsequently to be determined, as well as non-traffic citations and other local court transactions.*** See Magisterial District Court Emergency Cancellations and Revised Scheduling protocols dated August 7, 2020. (A copy of this amended protocol (August 7, 2020) is attached and wholly by reference incorporated. Those changes to the immediate past magisterial district court operational directive (July 24, 2020) begin on page eleven (11) of the appended, updated protocol (August 7, 2020) and all these amendments for ease of reference are throughout underlined.)

³ See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; and Fourth Emergency Declaration Extension dated July 8, 2020. See also Pa.R.J.A. No. 1952(B)(1)(2).

⁴ See Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated July 24, 2020, – Attached Protocols.

⁵ These additions to the immediate, previous magisterial district court operational directives (July 24, 2020) begin on page eleven (11) of the appended protocol (August 7, 2020) and all such amendments for ease of reference are throughout underlined. See Magisterial District Court Emergency Cancellations and Revised Scheduling Protocols, *as Amended*, dated August 7, 2020. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q); *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5. ... Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (“New Pa. (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties ...”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); and July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardel, a spokesperson from the state Health Department, said ...”).

⁶ See Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated July 24, 2020.

⁷ See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

THIRTY-SECOND (32ND – DELAWARE COUNTY) JUDICIAL DISTRICT

MAGISTERIAL DISTRICT COURTS' EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED

PURPOSE

Recognizing the Supreme Court of Pennsylvania has directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make best efforts in all other type matters to accomplish a more full-scale processing of cases subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,¹ this court in consultation with core systematic stakeholders and following the Special Court Judges Association of Pennsylvania's (Magisterial District Judges) recommendations salient to such considerations has developed and implemented the below described plan as the continuation of what is yet anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,² while also being mindful of the necessity to once more provide with regularity for the timely the administration of justice.

That directed below as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the evolving concerns presented by the continuing Coronavirus public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

The magisterial district court facilities within the thirty-second (32nd) judicial district (Delaware County) will as of now in accord with such a suggestion of the Special Court Judges Association of Pennsylvania be *temporarily* staffed as part of each such location's reopening with sworn personnel of the Delaware County Park Police and/or Pennsylvania constables, *inter alia*, manning for at least a reasonable time those building's public entrances to assure orderly business and court operations, the overall safety of the Magisterial District Judges, judicial staff, as well as all court users and the public generally, and the wearing of face masks, social distancing and/or every other in effect COVID-19 mitigation spread governmental directives.³

Appreciating the various magisterial district court offices relative to the number of available constables, it is currently anticipated that constables will consistent with that detailed below be assigned to certain local court facilities on the same resuming *in-person* proceedings and/or their processing, in part or whole, of public transactions (*E.g.* payment of traffic and/or parking tickets – the lodging of certain civil actions) for a week or so until such time as it has been demonstrated the operations of that specific court office are stabilized and can be conducted safely, absent a law enforcement presence, particularly salient to mask wearing, social distancing and/or any other in effect Coronavirus mitigation spread governmental directives.

Once a magisterial district court facility has reopened and been operational for a sufficient period of time so as to evidence a constancy and safety of operations the constable(s) will be reassigned to another local court and this process repeated until such time as all the magisterial district court facilities within this judicial district (32nd – Delaware County) are again opened and to some reasoned extent publicly accessible.

Regarding those magisterial district court facilities at which *in-person* criminal preliminary hearings are currently conducted and/or will per that below be in the near future held, there will be a team of at least two (2) law enforcement personnel at **ALL** such locations, Mondays through Fridays, from 8:30 a.m. to at least 4:30 p.m., unless the court listings conclude sooner and the interested parties (*E.g.* defense counsel, prosecutors, and/or witnesses) have exited the building⁴ and the facility is otherwise then closed to even such limited public traffic.

The park officers and/or constables designated to a magisterial district court facility holding *in-person* criminal preliminary hearings will as is further detailed below, *inter alia*, man the public door and conduct health screenings, including the taking of temperatures, as well as security checks, on **ALL** individuals entering the building. Relatedly, these park police officers and/or constables will additionally throughout the entirety of the magisterial district court office insure as is more further described below that **ALL** persons about the facility's public areas (*E.g.* hallway from front door to courtroom, courtroom and/or rest rooms) are adhering to the various instructions of federal and/or state governmental authorities designed to mitigate the COVID-19 spread, including but not limited to maintaining at all times social distancing and/or the proper wearing of appropriate face masks.

When a Magisterial District Judge is conducting *in-person* criminal preliminary hearings, at least one (1) park officer and/or constable **MUST** at all times be in the courtroom present.

Regarding those magisterial district court facilities opened **ONLY** for purposes of transactional processing (*E.g.* filing of certain civil actions), at least one (1) state constable will be designated to each such location. As a function of the interior transactional windows open to the public and the size of the building's lobby, the constable(s) will control the flow of court users into and out of the facility in addition to performing health screenings and security checks on every individual entering the location. (*E.g.* Some larger magisterial district court facilities may have two (2) transactional windows operational spaced sufficiently apart to allow for needed social

distancing and a lobby area in which two (2) other persons can wait, again sufficiently social distanced, while another court building may only be capable consistent with current public health directives of having just one (1) person in the building at the transactional interior window with any other court users being asked to remain outside until permitted entry by the constable(s) on the immediate prior user having exited.)

The Office of the Magisterial District Court Administrator **SHALL** assure **ALL** team of constable(s) are sufficiently supplied with hand sanitizer, adequately sized vinyl gloves, a modest quantity of face masks, and viral sanitizing spray bottles. The Magisterial District Court Administration Office **MUST** relatedly create timely avenues of communication with the various constable to assure that as may be needed each is promptly resupplied with these various personal protection and related health safety items.

The Magisterial District Court Administrator working in concert with the Delaware County facilities director will assure that before a magisterial district court facility is reopened, in part or in whole, for *in-person* hearings and/or any other type public business that any such office has been sufficiently outfitted in the courtroom and/or those other areas accessible to the public with advantageously placed plexiglass and that communal seating has been rearranged and/or otherwise modified consistent with requisite social distancing.

Again working together with the county's facilities director, the Magisterial District Court Administrator will also assure that the staff areas of any office reopened to the public, whether in whole or part, has any necessary plexiglass strategically placed and/or personnel work areas rearranged in accord with requisite social distancing. Alternatively, the Office of Magisterial District Court Administration may assign to a given local court facility a lesser number of staff than usual permitting otherwise necessary social distancing and/or general overall personnel safety pending the installation of plexiglass and/or workstations being reconfigured.

The Magisterial District Court Administration Office **SHALL** assure **ALL** local court facilities to any extent staffed and regardless of whether opened, in full or part, to the public are sufficiently supplied considering the working personnel complement with hand sanitizer, adequately sized vinyl gloves, a number of face masks, and viral sanitizing spray bottles.

For **ALL** *in-person* proceedings of any type and irrespective of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties and/or witnesses, as well as counsel, will be permitted in the courtroom and/or in or about **ANY** Delaware County magisterial district court facility generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter, a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about a local court building, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any

party and/or witness will be permitted access to ANY Delaware County magisterial district court location until further notice, unless he or she is as well a party to the proceeding and/or a witness.

Victims-complainants having a right to be present in court for listings of their criminal case may also attend all such schedulings. The complainant-victim can be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely make known to the involved magisterial district court and the judicial staff will in turn as may be applicable notify the constable(s) and/or park officer assigned to man the public door and monitor access to the facility of any victim-complainant intending to attend *in-person* a criminal listing, as well as who, if anyone, will then be escorting that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the local court are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual escorting him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the magisterial district court.

Subject to the direction of the presiding Magisterial District Judge otherwise, **ANY** witness on arriving in the vicinity of the local court **MUST** remain waiting in his or her vehicle and/or otherwise outside the facility until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the magisterial district court. The witness on entering the local court facility is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the magisterial district court, unless the presiding Magisterial District Judge instructs to the contrary.

ALL interested persons should plan to arrive at the magisterial district court facility approximately fifteen (15) minutes prior to the listing's scheduled start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the constable(s) and/or park police officer(s) staffing the public door to prevent unnecessary loitering about the court building and/or courtroom(s).

ALL individuals entering **ANY** Delaware County (32nd judicial district) magisterial district court facility **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Pennsylvania constable(s) and/or park officer(s) assigned to monitor at the public door local court access.⁵ Based on the outcome of this Coronavirus screening assessment, the involved constable(s) and/or park police officer(s) at his or her discretion may prohibit a person from entering the magisterial district court. The constable(s) and/or park police will promptly make the presiding Magisterial District Judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses.

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be instructed to remain outside the building and/or another location the constable(s) and/or park police officer(s) may direct pending the providing of a date for that accused to return and the defendant executing as well as being provided a copy of a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering **ANY** magisterial district court facility **MUST** otherwise be in **FULL COMPLIANCE** with **ALL** federal and/or state directives then in place to stem the Coronavirus spread, including but not limited to the proper wearing of a recommended mask.

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY** notify the presiding Magisterial District Judge's office that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact the Magisterial Court Administrator's Office – 610 565-6990.)

ANY litigant, lawyer, witness and/or other interested party having been past tested and/or diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead **PROMPTLY** notify **PRIOR TO THE LISTED DATE** the Magisterial Court Administration Office of the same (610 565-6990) and follow the directions that office then provides.

ANY litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT for documented medical cause (*E.g.* stemming from an underlining medical condition, one is more vulnerable to the impact of COVID-19 and has been directed by a treating physician to avoid public settings) in lieu of *in-person* **MUST** notify the Magisterial District Court Administration Office (610 565-6990) **no less than five (5) business days prior to the scheduled date** to allow for those necessary arrangements to be made by the Legal Audio Visual Department, if reasonably possible. These applications will for now be otherwise allowed subject to applicable constitutional limitations, if any,⁶ or the listing continued to a future date should constitutional and/or feasibility concerns dictate such and/or if it is reasonably believed that the nature of the proceeding and/or the individual's status relative to the case requesting remote participation would be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of defense counsel to visually observe a compliant-witness only available to testify aurally by telephone.) A party represented by a lawyer **MUST** initially direct any such concerns about participating via some type of ACT to his or her counsel and witnesses similarly in the first instance are to initially bring these issues to the attention of the attorney subpoenaing his or her appearance, and subsequently the Magisterial District Court Administration Office (610 565-6990) only if the witness and involved counsel cannot reach some

mutual understanding subject to that which the administration office can timely and reasonably arrange.

The Delaware County courts (32nd judicial district) for purposes of ACT (advanced communication technologies) on the recommendation of the county's IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility (Delaware County prison), Polycam. The use of other ACT's (E.g. Zoom) may at the discretion of the presiding Magisterial District Judge be permitted and as the Office of Magisterial District Court Administration may reasonably arrange, if needed.

ALL in-person listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention Coronavirus guidelines, as well as any other such federal and/or state directives, including but not limited to presently social distancing and/or the proper wearing of an appropriate face mask.

The presiding Magisterial District Judge and/or Magisterial District Court Administration Office will provide in advance to the assigned constable(s) and/or park police a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST** provide the presiding Magisterial District Judge's office with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. **ANY** such lists received after 4:00 p.m. the day immediately prior to the hearing will not be processed and relatedly those witnesses may very well be precluded entry to the local court facility and thus not available to testify. The presiding Magisterial District Judge's office will promptly forward to the assigned constable(s) and/or park police copies of **ALL** received witness lists.

Regarding those magisterial district court locations having multiple courtrooms, there will be on a given day staggered start times for **ALL in-person** hearings of at least fifteen (15) minutes should more than one (1) Magisterial District Judge then be sitting.

As is more fully described below, **ALL in-person** matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than twelve (12). The presiding Magisterial District Judge may as he or she believes necessary to any requisite social distancing instructed by public health authorities direct that a lesser number of individuals be permitted in the courtroom, excluding credentialed members of the press who past arranged through the Magisterial District Court Administration Office to be in attendance. Should the interested parties, excepting witnesses, be of such a number that the courtroom simply does not allow for social distancing, the Magisterial District Judge will continue the case and timely notify the Magisterial District Court

Administration Office of the need to arrange that the matter be rescheduled at a facility sufficient in size to accommodate the interested parties while still permitting necessary social distancing. Once the Office of the Magisterial District Court Administrator has made those arrangements, it will provide the parties, as well as any of-record counsel, reasonable advanced notice of the case's relisted, date, time, and location.

Constable(s) and/or park police assigned to an operational courtroom will be tasked subject to any such specific directives of the presiding Magisterial District Judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in a particular courtroom to allow for any required social distancing. As may be necessary to assure compliance with that salient to those considerations this protocol details, constables and/or park police officers may temporarily prohibit entry into a courtroom and rather direct counsel, any interested parties and/or witnesses to remain in the waiting area, or outside the facility until their case is called and/or a testimonial appearance needed.

Should a constable and/or park police officer notice any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to properly wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same is to be immediately remedied and must be promptly reported to the presiding Magisterial District Judge.

Should a constable and/or park police officer note an interested party, lawyer and/or a witness outside of a courtroom failing to comply with salient governmental directives, including but not limited to social distancing and/or the proper wearing of a face mask, such is to be immediately addressed and must be promptly reported to the Magisterial District Judge presiding over the matter involving that party, attorney and/or witness.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 spread may, *inter alia*, result in any such individual's immediate removal from the local court facility by the assigned constable(s) and/or park police personnel. In the event an individual for noncompliance with these health safety measures is removed from a magisterial district court office, law enforcement are to immediately notify the Magisterial District Judge presiding over the matter involving that party, lawyer and/or witness of the removal. (The Office of the District Court Administrator **MUST** also be promptly notified by either the presiding Magisterial District Judge and/or constable – park police of any interested party's removal, as well as underlining the circumstances.)

ALL courtrooms utilized for proceedings will on the conclusion of a given day's cases be sanitized, as will those areas of the local court facility commonly used for individuals to get to and from a courtroom (*E.g.* public hallway from entry door to the courtroom) with a deeper cleaning and/or sanitizing being done twice weekly.

Although other than that directed above and below, **ALL** magisterial district court facilities in Delaware County (thirty-second (32nd) judicial district) are constrained to remain closed for any other *in-person* public business pending the continued finalization of ongoing plans necessary to properly assuring the health and safety of Magisterial District Judges, such judicial personnel and those court users, as well as the public generally, **EACH** magisterial district court **SHALL** remain sufficiently staffed to allow for the timely answering during regular business hours of public telephone and/or mail inquiries.⁷

The Office of the Magisterial District Court Administrator **SHALL** cause notices to be timely displayed visibly about every magisterial district court facility within the 32nd judicial district (Delaware County) advising the public that these courts will remain closed for *in-person*, public business through and including October 31, 2020, excepting as allowed above and below, or this court's subsequent order, whichever is earlier, and notifying the public how fines, costs and/or restitution may be paid online, as well as about the online posting of bail funds.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through Magisterial District Court Administrator Charles E. McDonald, Esquire (610 565-6990). (Should the level of press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (*E.g.* social distancing in the courtroom because of the appreciable numbers present not possible), the Magisterial District Court Administrator in collaboration with the interested media will create a pool of representative media members to attend *in-person* such court proceedings.)

Unless the presiding Magisterial District Judge and/or another judicial officer directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477); however, no more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made reasonably subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding Magisterial District Judge and/or another judicial officer via his or her order directs otherwise by arranging through its director, Richard J. Coogan (610 891-4477) to listen at the Court Electronic Recording Office to the same. Because of that office's significant space constraints, only one (1) member of the public at a time can be permitted for this audio review access.

CRIMINAL CASE PROCESSINGS

Magisterial District Judges in the 32nd judicial district (Delaware County) **SHALL** between the present and October 31, 2020, be available to conduct preliminary arraignments as the attached

schedule directs.⁸ **ALL** criminal preliminary arraignments **SHALL** be held via video conferencing **ONLY** and relatedly **NO** arrestees and/or prisoners **SHALL** be permitted in and/or about **ANY** 32nd judicial district (Delaware County) magisterial district court facility.⁹

Magisterial District Judges **SHALL** also be reasonably available as requested by law enforcement personnel to review and process both criminal complaints as well as arrest and/or search warrant applications.¹⁰

The Magisterial District Court Administrator and/or his staff designees **SHALL** in consultation with the Delaware County District Attorney's Office, as well as the Office of the Delaware County Public Defender and private defense bar, continue to manage and regularly list advanced communication technology (ACT) preliminary hearings pursuant to that past developed protocol, subject to applicable constitutional limitations, if any,¹¹ giving exclusive scheduling priority to those imprisoned accuseds.¹² These virtual preliminary hearings will continue to be set weekly on Wednesdays and Thursdays with two (2) lists of approximately forty (40) cases scheduled each day.

There will for now be no *in-person* hearings involving inmates of any county, state and/or federal penal facility before the magisterial district courts, but rather **ALL** such listings where a defendant is for whatever the reasons incarcerated will be held through some available ACT means, assuming a defendant's agreement.¹³ **ANY** inmate of a county, state and/or federal correctional institution wanting to proceed with an *in-person* listing will have his or her matter continued for at least thirty (30) days with the hope that the currently ongoing public health crisis, particularly relative to those attendant concerns enveloping southeastern Pennsylvania, including but not limited to Delaware County, would have then sufficiently abated to safely allow for any such prisoner's custodial transportation and related *in-person* appearance before the court.¹⁴

The Office of the Magisterial District Court Administrator and/or the local court staff designees **SHALL** continue to list *in-person* preliminary hearings at the Chester district court facility on a daily basis, using both courtrooms, and consistent with the attached schedule¹⁵ allowing for the named Magisterial District Judges as best as possible to conduct their respective hearing lists on the same day of the week as would otherwise be applicable. **ALL** such preliminary hearings for now **SHALL** be scheduled in fifteen (15) minute intervals with each courtroom having a staggered start time.

The Magisterial District Court Administrator and/or local court staff **SHALL** also continue to list *in-person* criminal preliminary hearings at both the Darby Borough and the Lansdowne Borough magisterial district court facilities and per that which the respective attached schedules¹⁶ detail, each directing as best as possible that the named Magisterial District Judges are listed to sit on that day of the week he or she would otherwise conduct criminal preliminary hearings. **ALL** such preliminary hearings for now **SHALL** be in fifteen (15) minute intervals scheduled.

The Office of the Magisterial District Court Administrator **SHALL** additionally continue working to finalize in discussion with the Delaware County District Attorney's Office, as well as the Office of the Delaware County Public Defender and the private defense bar, to commence *in-*

person criminal preliminary hearings at the Springfield Magisterial District Court facility beginning **August 10, 2020**, and consistent with the appended schedule¹⁷ allowing for the named Magisterial District Judges as best as possible to conduct their respective hearing lists on the same day of the week as would otherwise be applicable. **ALL** such preliminary hearings **SHALL** for now be scheduled in fifteen (15) minute intervals.

Recognizing relisting such next appropriate proceedings addressing certain minor matters pending before this judicial district's (32nd – Delaware County) magisterial district courts will expedite the release of persons jailed at the George W. Hill Correctional Facility (Delaware County Prison), otherwise, a state correctional institution and/or some other penal facility who are eligible for discharge from custody, but for some summary traffic and/or non-traffic matters, the Administrative Office of Magisterial District Courts on being notified about any such cases by a penal authority **SHALL** administratively rescind **PROMPTLY** any warrant and/or detainer stemming from an open summary traffic and/or non-traffic matter, as well as related to the payment of fines and/or costs attendant to a summary traffic and/or non-traffic case, and schedule a hearing regarding the same before the magisterial district court of jurisdiction on a date and time certain subsequent to September 1, 2020.¹⁸

PROTECTION FROM ABUSE MATTERS

Magisterial District Judges in Delaware County (32nd judicial district) **SHALL** as of the present until and including October 31, 2020, be available after hours, on weekends and/or holidays, as well as any such other times this court may subsequently direct, to review and decide per the attached coverage schedule emergency protection from abuse applications.¹⁹ **ALL** such emergent protection abuse requests **SHALL** be addressed by the covering Magisterial District Judge through some type of advanced communication technology (ACT), including but not limited to video conferencing, FaceTime, Skype, Polycom, Microsoft Teams, Zoom, *etc.*, and while a technological means allowing for both visual and audio capabilities is preferred, telephonic or audio only emergency protection from abuse hearings **SHALL** be **PERMITTED** should a combined audio and visual connection between the applicant and Magisterial District Judge not be reasonably available.²⁰

Beyond **ALL** emergent protection from abuse requests being received by the covering Magisterial District Judge through some means of advanced communication technology (ACT), the balance of the attached Temporary Protocol for Emergency PFA Applications ... **SHALL** otherwise be followed, including but not limited to as agreed by, *inter alia*, the Delaware County Police Chiefs Association that salient law enforcement agencies will facilitate needed contact between a protection from abuse applicant and the on duty Magisterial District Judge, promptly assist in providing the petitioner a copy of the protective order the magisterial district court may issue, and/or timely make efforts to serve the named respondent with the emergent order of protection.²¹

LANDLORD-TENANT and RELATED ACTIONS

EFFECTIVELY IMMEDIATELY and continuing through **AUGUST 31, 2020**, **ALL** execution of orders for eviction, ejection, and/or possession of *residential properties* and/or *leasehold premises*, as well as the levy and/or attachment of residential personal property in Delaware County are **STAYED**.²²

CIVIL ACTIONS and OTHER TRANSACTIONAL PROCESSING

The Magisterial District Court Administrator working in concert with the Delaware County facilities director will assure that the following magisterial district court facilities are adequately outfitted with advantageously placed plexiglass, rearranged communal seating, reconfigured staff workspaces or alternatively a lesser number of personnel assigned as many be necessary to allow for the public filings of civil matters the nature of which will be determined subsequently and/or other local court transactions, effective September 1, 2020: Brookhaven – Brookhaven Municipal Building, 2 Cambridge Road-Suite 300, Brookhaven, PA 19018-1708; Darby Township – 11 Bartram Avenue, Glenolden, PA 19036-1802; Media Borough – 349 West Baltimore Avenue, Media, PA 19063-2609; Newtown Square – 4655 West Chester Pike, Newtown Square, PA 19073-2226; and Upper Darby – 1550 Garrett Road, Upper Darby, PA 19082-4505.

In accord with that which this protocol additionally directs, the Office of the Magisterial District Court Administrator will also arrange for and/or otherwise schedule at least one (1) constables to man each of these five (5) magisterial district court facilities as part of their respective reopenings.

¹ See Orders dated April 28, 2020, p. 2; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest-one day increase since June 5 ... Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); and July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average reported cases increased 220% since June 27, 2020.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the per day average of new cases has increased 379% growing from 16 to 75 daily.); and July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardel, a spokesperson from the state Health Department, said”).

² See Orders dated April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ The Magisterial District Court Administration Office most recently put in place an agreement with the Pennsylvania State Constable Association – Delaware County Chapter, including necessary funding already approved by county council, allowing for approximately twelve (12) constables to provide as this protocol further details a security and health safety presence at each magisterial district court facility on its reopening.

Members of the Delaware County Park Police have and will continue to be assigned to the Chester magisterial district court facility on a full-time basis. With those sworn personnel ably addressing the law enforcement function of assuring orderly operations and general safety, there is neither a need for such nor will a constable team be dedicated to that local court office (Chester City).

⁴ There are at the Chester magisterial district court location suites for the district attorney and public defender offices and consistent with those attendant past practices staff of both agencies may as is arranged in advance with the assigned park police be about this local court office prior 8:30 a.m. and subsequent to 4:30 p.m. regardless of a law enforcement presence.

⁵ Although more specific to whether an employee will be permitted into the county courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police and/or state constables will utilize for ALL individuals attempting to enter any local court facility.

⁶ See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

⁷ See Orders dated April 1, 2020, p. 2; April 28, 2020, pp. 1-3; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(q).

⁸ See Delaware County MDJ Coverage Schedule. A copy of this schedule is attached and wholly by reference incorporated. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q).

⁹ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4-5, 7-8; April 1, 2020, pp. 2, 4, 5; April 28, 2020, pp. 1-3, 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(k)(n)(q).

Also, attached and wholly incorporated by reference is the previously implemented Protocol for Preliminary Video Arraignments with Temporary Booking Facility.

¹⁰ See Orders dated April 28, 2020, p. 8; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

¹¹ See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

¹² See Orders dated April 28, 2020, pp. 2-5, 8; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(q) and Order dated May 1, 2020 – No. MD 1545-17 (As part of developing this preliminary hearing protocol, this court under that order (May 1, 2020 – No. MD 1545-17) has temporarily assigned each Magisterial District Judge in Delaware County (32nd judicial district) to additionally act as the “issuing authority” in all other of the county’s magisterial districts to appropriately promote and realize throughout this public health crisis’s balance economies of scale and related regionalized efficiencies, along with utilizing those magisterial district court facilities allowing for as best as possible recommended “social distancing,” in addition to all other federal and/or state governmental guidance about countering the COVID-19 virus spread, including but not limited to the proper wearing of an appropriate face mask and/or prompt surface area disinfecting subsequent.). A copy of this interim assignment order (May 1, 2020) is attached and wholly by reference incorporated.

¹³ Under the Second Emergency Order Extension – Criminal Section, some limited inmate *in-person* appearances before the criminal trial courts will begin effective September 14, 2020. See Second Emergency Order Extension – Criminal Section dated July 24, 2020. As can be determined from those actual experiences, a reasoned decision will subsequently be made about expanding the custodial transportation of prisoners for purposes other than criminal trial court matters and/or from penal institutions in addition to the George W. Hill Correctional Facility. See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections greater at Delco Jail – Jail: Nearly half of inmates tested had virus; infection rate 50 times that of population at large.”)

¹⁴ See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(k)(q). See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5. ... Cases ... June 1 ... July 1 ... Change ... +8%.”); and July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increasing from 23 to 32 per 100,000 persons.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); and July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average reported cases increased 220% since June 27, 2022.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the per day average of new cases has increased 379% growing from 16 to 75 daily.); and July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ‘We are concerned with what we have seen from Delaware County.’ ... Nate Wardel, a spokesperson from the state Health Department, said ...”).

¹⁵ See Chester Magisterial District Court Facility Preliminary Hearing Schedule. A copy of this schedule is attached and wholly by reference incorporated. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q).

¹⁶ See Darby Borough Magisterial District Court Facility Preliminary Hearing Schedule and Lansdowne Borough Magisterial District Court Facility Preliminary Hearing Schedule. Copies of these schedules are attached and wholly by reference incorporated. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q).

¹⁷ See Springfield Magisterial District Court Facility Preliminary Hearing Schedule.

¹⁸ See *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court, No. 70 MM 2020 – Order dated April 3, 2020; and Orders dated April 28, 2020, pp. 6-8 and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, No. 30 MM 2020, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(g)(h)(k)(l)(q).

¹⁹ See Attached Delaware County MDJ Coverage Schedule. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q); Orders dated March 16, 2020, p. 3; March 18, 2020, pp. 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 1-3, 4-5, 7-8; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

²⁰ See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(f)(g)(h)(q) and attached Delaware County MDJ Coverage Schedule.

²¹ See *Temporary Protocol for Emergency PFA Application During COVID-19 Emergency*. A copy of this *interim* protocol is attached and wholly by reference incorporated. See also Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-8; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5, 7-8; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; and Pa.R.J.A. No. 1952(B)(2)(d)(f)(k)(q).

²² See Order dated May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Pa.R.J.A. No. 1952(B)(2)(h)(k)(q); and *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest-one day increase since June 5 ... Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); and July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average reported cases increased 220% since June 27, 2020.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the per day average of new cases has increased 379% growing from 16 to 75 daily.); and July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ‘We are concerned with what we have seen from Delaware County.’ ... Nate Wardel, a spokesperson from the state Health Department, said”). See also Gubernatorial Order dated July 9, 2020, effective immediately through August 31, 2020 (This second such executive order similar to that of May 7, 2020, effective May 11, 2020, stays under the Landlord and Tenant Act, 68 Pa.C.S. §§250.101 *et seq.*, the Manufactured Home Community Rights Act, 68 Pa.C.S. §§398.1 *et seq.*, the Loan Interest and Protection Law, 41 Pa.C.S. §§101 *et seq.*, and Homeowners Emergency Assistance Act, 35 Pa.C.S. §§1680.41 *et seq.*, certain notice requirements necessary to such complaints being lodged with the court, as well as precludes all residential eviction proceedings requiring compliance with these statutory provisions.). See additionally Gubernatorial Order dated May 7, 2020, effective May 11, 2020; and *Private Properties, et al. v. Tom Wolf, Governor ...*, Pennsylvania Supreme Court, No. 90 MM 2020.

This court through five (5) prior, discreet emergent orders previously stayed all execution orders for eviction, ejectment, and/or possession of residential properties and/or leasehold premises, as well as the levy and/or attachment of residential property, in Delaware County. See Emergency Order Staying Residential Property Ejectment ... dated March 18, 2020; Order Extending Emergency Stay of Residential Property Ejectments ... dated April 3, 2020; Second Order Extending Emergency Stay of Residential Property Ejectments ... dated April 28, 2020; Third Order Extending Emergency Stay of Residential Property Ejectments ... dated June 1, 2020; and Fourth Order Extending Emergency Stay of Residential Property Ejectments ... dated July 10, 2020.

Because this subject matter may impact both magisterial district court and court of common pleas case processing and recognizing this emergency order comprehensively details expanding magisterial district court *in-person* operations, this court has opted in an effort to reach a broader distribution to include this stay as part of the instant

order in addition to the separate, previous single subject matter order. *See* Fourth Order Extending Emergency Stay of Residential Property Ejectments ... dated July 10, 2020.




**COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES**

Charles E. McDonald, Esquire
Administrator

100 West Front Street
Media, Pennsylvania 19063-3208

610-565-6990
Fax: 610-891-7849

Joan E. Van Horn
First Assistant Administrator

DATE: July 9, 2020
TO: All Magisterial District Judges
From: Charles E. McDonald, Esquire
Magisterial District Court Administrator 
RE: MDJ Video Arraignment and Emergency PFA Schedule

The following is the Video Arraignment and Emergency PFA Schedule for MDJs thru August 27, 2020 assuming the Temporary Central Booking Facility remain operational.

| <u>Day and Date</u> | <u>Day Shift</u> | <u>Evening Shift</u> |
|--------------------------|-------------------|-----------------------|
| Friday, July 10, 2020 | Radano | Strohl |
| Saturday, July 11, 2020 | Griffin (Roberts) | Holefelder |
| Sunday, July 12, 2020 | Merkins | Radano |
| Monday, July 13, 2020 | Williams | Lacianca |
| Tuesday, July 14, 2020 | Lippart | Karapalides |
| Wednesday, July 15, 2020 | Micozzie-Aguirre | D'Agostino (Lacianca) |
| Thursday, July 16, 2020 | Karapalides | Merkins |
| Friday, July 17, 2020 | Vann | Williams |
| Saturday, July 18, 2020 | Roberts (Griffin) | Stone |
| Sunday, July 19, 2020 | lang | Hunter |
| Monday, July 20, 2020 | Sandone | Lippart |
| Tuesday, July 21, 2020 | Burke | Lang |
| Wednesday, July 22, 2020 | Turner | Vann |
| Thursday, July 23, 2020 | Grimes | Forbes |
| Friday, July 24, 2020 | Stone | Griffin |
| Saturday, July 25, 2020 | Forbes | Nistico |
| Sunday, July 26, 2020 | Berardocco | Sandone |
| Monday, July 27, 2020 | Mattox | Burke |
| Tuesday, July 28, 2020 | Nistico | Berardocco |
| Wednesday, July 29, 2020 | D'Agostino | Turner |
| Thursday, July 30, 2020 | Burns | Karapalides |

| | | |
|----------------------------|------------------|-----------------------|
| Friday, July 31, 2020 | Williams | Lacianca (D'Agostino) |
| Saturday, August 1, 2020 | Berardocco | Lang |
| Sunday, August 2, 2020 | Merkins | Mattox |
| Monday, August 3, 2020 | Forbes | Turner |
| Tuesday, August 4, 2020 | Lippart | Stone |
| Wednesday, August 5, 2020 | Goldberg | Puppio |
| Thursday, August 6, 2020 | Lacianca | Berardocco |
| Friday, August 7, 2020 | Strohl | Lippart |
| Saturday, August 8, 2020 | Karapalides | Grimes |
| Sunday, August 9, 2020 | Vann | Holefelder |
| Monday, August 10, 2020 | D'Agostino | Hunter |
| Tuesday, August 11, 2020 | Micozzie-Aguirre | Radano |
| Wednesday, August 12, 2020 | Turner | Goldberg |
| Thursday, August 13, 2020 | Davis | Roberts |
| Friday, August 14, 2020 | Burke | Vann |
| Saturday, August 15, 2020 | Hunter | Burns |
| Sunday, August 16, 2020 | Nistico | Micozzie-Aguirre |
| Monday, August 17, 2020 | Grimes | Forbes |
| Tuesday, August 18, 2020 | Griffin | Sandone |
| Wednesday, August 19, 2020 | Krull | Williams |
| Thursday, August 20, 2020 | Roberts | Strohl |
| Friday, August 21, 2020 | Lang | Merkins |
| Saturday, August 22, 2020 | Stone | Griffin |
| Sunday, August 23, 2020 | Holefelder | Burke |
| Monday, August 24, 2020 | Mattox | Nistico |
| Tuesday, August 25, 2020 | Sandone | D'Agostino |
| Wednesday, August 26, 2020 | Puppio | Davis |
| Thursday, August 27, 2020 | Radano | Krull |



**COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES**

Charles E. McDonald, Esquire
Administrator

Joan E. Van Horn
First Assistant Administrator

100 West Front Street
Media, Pennsylvania 19063-3208

610-565-6990
Fax: 610-891-7849

REVISED
March 31, 2020

Protocol For Video Arraignments With Temporary Central Booking Facility

1. As previously noted, in order to accomplish the Video Arraignments with the Magisterial District Courts, the following will be required at the Temporary Central Booking Facility (TCBF) during the COVID19 Emergency:

- A. The computer with Polycom as arranged previously.
- B. A fax machine, one was in the area when we toured the proposed location previously.
A copier, the same piece of equipment which is the fax machine which was in the area when we toured the proposed location previously
- C. The officers managing the TCBF will need to have a box designated for the paperwork the MDJ Admin Office will pick up routinely as described below. An empty copier paper box would be sufficient.
- D. A computer with internet access in the TCBF (OTHER THAN THE VIDEO COMPUTER) should be available for defendants to use if they are able to post bail with a credit or debit card (see below).

- 2. Each day during the COVID19 Emergency the MDJ Admin Office will provide the TCBF and the Bail Office with the location, contact information and times the Video Magisterial District Judge(s) will be available for the following day, as per schedule approved by President Judge Kelly.
- 3. Each day the Bail Office will also contact the TBCF with contact information for their on duty Bail Interviewer(s).

For each defendant dropped off at the TCBF, the officers in the TCBF need to do the following:

- 1.) Complete, or receive from police, the Criminal Complaint, Affidavit of Probable Cause and NCIC prior records check for each defendant.
- 2.) Fax the Criminal Complaint, Affidavit of Probable Cause and NCIC prior record check to both the appropriate MDJ Court and the Bail Office.

- 3.) Contact the Bail Office to arrange for a bail interview by video.
- 4.) Contact the MDJ Court to schedule the Video Arraignment for a time AFTER the Bail Interview.
- 5.) Have the defendant Bail Interviewed by Video with the Bail Office. NOTE: The Bail Office will fax the Bail recommendation directly to the MDJ Court after the Bail Interview.
- 6.) Give the Defendant the following, which will be faxed to the TCBF by the MDJ Court:
 - a. Copy of the criminal complaint (which was signed by the MDJ),
 - b. Public Defenders Notice, and
 - c. Hearing Notice for the Defendants Next court appearance.
- 7.) Have the defendant arraigned by video with the MDJ.
- 8.) WAIT. After the Judge finishes the Video arraignment, the court will prepare the Bail Packet and fax it to the TCBF. The Bail Packet includes:
 - a. Conditions to be released on bail (defendant must sign)
 - b. Additional Requirements to remain released on bail (defendant must sign)
 - c. Bail bond (defendant must sign)
 - d. Surety if applicable (defendant must sign)
 - e. The commitment Form if the Defendant will be committed
- 9.) When the Bail Packet is received, give it to the defendant and have the defendant sign the Bail Packet forms. The Bail packet forms needing the defendant's signature are:
 - a) Conditions to be released on bail (defendant must sign)
 - b) Additional Requirements to remain released on bail (defendant must sign)
 - c) Bail bond (defendant must sign)
 - d) Surety if applicable (defendant must sign)
- 10.) Make copies of all of the signed Bail Packet Forms. One copy if the defendant is being released, two copies if the defendant is being committed.
- 11.) Place the original signed copies of the Bail Packet Forms in a designated box to be collected by MDJ Admin.
- 12.) Give the defendant a copy of the Bail Packet Forms
- 13.) If the defendant is being committed, give copies of the following to the transporting officers to give to the prison intake officers:
 - a) A copy of the entire Bail Packet with the defendant's signatures
 - b) A copy of the commitment
 - c) A copy of the criminal complaint signed by the MDJ
- 14.) The Arresting Department should bring the Original Complaint and Affidavit of Probable Cause to the TCBF within two business days of each arrest and it should be placed in the box designated for the MDJ Admin Office.
- 15.) The MDJ Admin Office will arrange to pick up box designated for the MDJ Admin Office from the TCBF every two business days, or more often if needed.

NOTES

If the officers at the TCBF have any questions about the paperwork they should call the clerk at the MDJ Court for guidance.

Original Criminal Complaints

- If the original Criminal Complaint is at the TCBF it should be paper clipped to the Bail Packet Forms signed by the defendant and placed in the designated box to be collected by MDJ Admin.
- If the original Criminal Complaint is at the Police Station of the arresting officer(s) it should be brought to the TCBF within two days for eventual pick or delivery to MDJ Admin.

Posting Bail

If the defendant has a credit card or debit card in his/her possession he/she could post bail online if a computer with internet access is available. They can post Bail online at:

<https://ujportal.pacourts.us/Bail/Default.aspx> Or Google "PAePay Bail"

The MDJ Court can verify receipt and confirm release in less than two minutes usually.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: *INTERIM ASSIGNMENT OF* : NO. MD 1545-17
CONCURRENT :
ISSUING AUTHORITY :

ORDER

AND NOW, this 1ST day of May, 2020 pursuant to Rule 605 of the Rules of Judicial Administration, Rule 112 of the Rules Governing Standards of Conduct of Magisterial District Judges, and Rules 130, 131, 132 and 133 of the Rules of Criminal Procedure, promulgated by the Supreme Court of Pennsylvania, the following *interim* assignment to act as Issuing Authority in other magisterial districts whenever required for the efficient administration of justice is hereby established for matters involving incarcerated persons and **SHALL** apply to and effect **ALL** magisterial districts in Delaware County as set forth herein: For Magisterial Districts 32-1-20, 32-1-21, 32-1-22, 32-1-23, 32-1-24, 32-1-25, 32-1-27, 32-1-28, 32-1-30, 32-1-31, 32-1-32, 32-1-33, 32-1-34, 32-1-35, 32-1-36, 32-2-37, 32-2-38, 32-2-39, 32-2-40, 32-2-42, 32-2-43, 32-2-44, 32-2-46, 32-2-47, 32-2-48, 32-2-49, 32-2-51, 32-2-52, 32-2-53 and 32-2-54.

It is further **ORDERED** and **DECREED** that the aforesaid Magisterial District Courts **SHALL** have concurrent the authority with each other to conduct Preliminary Arraignments, Preliminary Hearings, Bail Hearings, Payment Determination Hearings and Hearings on Summary Violations for incarnated defendants.

BY THE COURT:



Kevin F. Kelly
President Judge



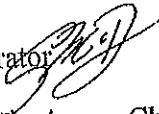
**COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES**

Charles E. McDonald, Esquire
Administrator

100 West Front Street
Media, Pennsylvania 19063-3208

610-565-6990
Fax: 610-891-7849

Joan E. Van Horn
First Assistant Administrator

DATE: July 24, 2020
TO: All Magisterial District Judges
From: Charles E. McDonald, Esquire
Magisterial District Court Administrator 
RE: Specifically Timed In-Preliminary Hearings – Chester

Continuing from June 29, 2020, the weekly rotating schedule for Chester District Court will be as follows:

| | <u>Chester Courtroom A</u> | <u>Chester Courtroom B</u> |
|-----------|----------------------------|----------------------------|
| Monday | 32-1-20 (Davis) | 32-1-28 (Krull) |
| Tuesday | 32-1-21 (Vann) | 32-2-49 (Roberts) |
| Wednesday | 32-1-22 (Seaton/Nistico) | 32-2-48 (Strohl) |
| Thursday | 32-1-36 (Griffin) | 32-2-39 (Stone) |
| Friday | 32-2-38 (Holefelder) | 32-2-46 (Goldberg) |

MDJs will schedule cases only from their own jurisdiction, with the exception of multi-jurisdictional waivers or pleas.

The address is: 529 Penn Street, Chester, Pennsylvania 19013-6033



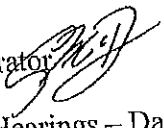
**COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES**

Charles E. McDonald, Esquire
Administrator

100 West Front Street
Media, Pennsylvania 19063-3208

610-565-6990
Fax: 610-891-7849

Joan E. Van Horn
First Assistant Administrator

DATE: July 24, 2020
TO: All Magisterial District Judges
From: Charles E. McDonald, Esquire
Magisterial District Court Administrator 
RE: Specifically Timed In-Preliminary Hearings – Darby Borough

Continuing from July 20, 2020, the weekly rotating schedule for Darby Borough District Court will be as follows:

| | |
|-----------|-------------------|
| Monday | 32-2-44 (Lippart) |
| Tuesday | 32-2-40 (Sandone) |
| Wednesday | 32-1-37 (Forbes) |
| Thursday | 32-2-42 (Burns) |
| Friday | 32-1-23 (Grimes) |

MDJs will schedule cases only from their own jurisdiction, with the exception of multi-jurisdictional waivers or pleas.

The address is: 150 S. MacDade Blvd. Suite E, Darby, Pennsylvania 19023-1814



COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
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MAGISTERIAL DISTRICT JUDGES

Charles E. McDonald, Esquire
Administrator

100 West Front Street
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Fax: 610-891-7849

Joan E. Van Horn
First Assistant Administrator

DATE: July 24, 2020
TO: All Magisterial District Judges
From: Charles E. McDonald, Esquire
Magisterial District Court Administrator
RE: Specifically Timed In-Preliminary Hearings – Lansdowne

Continuing from July 20, 2020, the weekly rotating schedule for Lansdowne District Court will be as follows:

| | |
|-----------|----------------------------|
| Monday | 32-1-33 (Karapalides) |
| Tuesday | 32-2-47 (Williams) |
| Wednesday | 32-1-35 (Berardocco) |
| Thursday | 32-2-52 (Micozzle-Aguirre) |
| Thursday | 32-1-34 (Radano) |
| Friday | 32-2-51 (Mattox) |

MDJs will schedule cases only from their own jurisdiction, with the exception of multi-jurisdictional waivers or pleas.

The address is: 60 W. Marshall Road, Lansdowne, Pennsylvania 19050



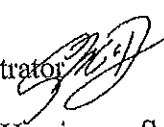
COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES

Charles E. McDonald, Esquire
Administrator

100 West Front Street
Media, Pennsylvania 19063-3208

610-565-6990
Fax: 610-891-7849

Joan E. Van Horn
First Assistant Administrator

DATE: July 24, 2020
TO: All Magisterial District Judges
From: Charles E. McDonald, Esquire
Magisterial District Court Administrator 
RE: Specifically Timed In-Preliminary Hearings – Springfield

As of Monday August 10, 2020, the weekly rotating schedule for Springfield District Court will be as follows:

| | | |
|-----------|---------|----------------|
| Monday | 32-1-30 | MDJ Gallagher |
| Monday | 32-1-31 | MDJ Turner |
| Tuesday | 32-1-27 | MDJ Lang |
| Wednesday | 32-2-43 | MDJ Hunter |
| Thursday | 32-1-32 | MDJ Puppio |
| Thursday | 32-2-54 | MDJ Merkins |
| Friday | 32-1-24 | MDJ D'Agostino |
| Friday | 32-1-25 | MDJ Burke |
| Friday | 32-2-53 | MDJ Laccianca |

MDJs will schedule cases only from their own jurisdiction, with the exception of multi-jurisdictional waivers or pleas.

The address is: 56 Powell Road, Springfield, Pennsylvania 19064-2446



COUNTY OF DELAWARE
ADMINISTRATIVE OFFICE
FOR
MAGISTERIAL DISTRICT JUDGES

Charles E. McDonald, Esquire
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Joan E. Van Horn
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April 8, 2020

Temporary Protocol for Emergency PFA Applications
During COVID-19 Emergency

In order to provide continual and appropriate Judicial review of Emergency Protection of Abuse Applications during the COVID-19 Judicial Emergency, a schedule has been crafted to provide for such coverage by Magisterial District Judges (MDJs) whenever the Court of Common Pleas is closed. MDJs will provide Emergency PFA coverage after 3:00 pm on normal business days or anytime on Saturdays, Sundays or holidays. MDJs will also provide such coverage if exigent circumstances require any additional closures of the Court of Common pleas.


During this Emergency, the following Protocol shall be followed, as agreed upon by the Fraternal Order of Police, the Police Chiefs Association and President Judge Kevin F. Kelly:

1. When contacted by an individual seeking an Emergency PFA, the local police or Radio Room should get the individual's name and phone number from the individual and tell them to expect to be contact by an MDJ or their staff.
2. The police or Radio Room shall contact the assigned MDJ providing coverage for all of Delaware County as per the attached schedule and provide them with the applicant's contact information.
3. The MDJ shall contact the applicant using advanced telecommunications technology. Technologies which provide both the visual and audio capabilities are preferred, such as FaceTime, Skype, Polycom, Zoom, etc. However, during the aforesaid Emergency audio only (telephone) hearings are permitted if an audio and visual connection cannot be accomplished.
4. If the MDJ determines that the Emergency PFA should be granted, the MDJ or staff shall prepare the appropriate Order at the Magisterial District Court and fax it to the police where it is to be served on the defendant.
5. The MDJ or staff shall also contact the police covering the location of the victim and fax a copy of the Emergency PFA Order to them for the victim to pick up.
6. Upon receiving the Order from the MDJ Court for a victim in their jurisdiction, the police shall contact the victim to arrange for the victim to get a copy of the Order in a contactless manner (For example, the police could leave the paperwork in specific place upon the arrival of the victim for pick up without contact and without exposure to rain or being blown away by the wind. The police could also drop it off at the victim's residence in a similar contactless manner if they choose to do so).



Chester County Health Department Coronavirus COVID-19

Workforce Screening
Updated: April 22, 2020



CORONAVIRUS COVID-19

CHESTER COUNTY HEALTH DEPARTMENT

LEARN THE FACTS, SHARE THE FACTS, STOP THE FEAR

INSTRUCTIONS FOR INDIVIDUALS TESTED FOR COVID-19

Note: This guidance is not for antibody or serology testing.

TEST RESULTS

Contact the physician who ordered the test for results.
Do not call the Health Department for your results.
Results are typically available within 7 days of testing, but may be delayed at times depending on testing volume and the laboratory used.

WHILE YOU WAIT FOR YOUR RESULTS



Self-isolate to your home.



Others who live in your home should also stay home.



If you live with others, self-isolate in a private room and use a separate bathroom, if possible.



Wear a mask when you enter general living areas.



If your symptoms worsen, call your healthcare provider.



Make a list of close contacts within 6 feet for more than 10 minutes you have from two days before you became sick until you began self-isolating.

WHAT TO DO IF YOU TEST POSITIVE

- ✓ Notify your close contacts and let them know to quarantine at home for 14 days.
- ✓ If your symptoms worsen or you require hospitalization, notify your healthcare provider immediately.
- ✓ Continue to self-isolate at home until you have recovered:



72 HOURS
NO Fever
without medicine



Other
Symptoms
have improved



7 DAYS
since
Symptoms began

WHAT TO DO IF YOU TEST NEGATIVE

- ✓ If you had a known exposure to someone with COVID-19, continue to quarantine for 14 days after your exposure.
- ✓ If you did not have a known exposure to someone with COVID-19 and do not have symptoms, you can stop your quarantine.
- ✓ If you did not have a known exposure to someone with COVID-19 and have symptoms, you may have another illness. Stay home until 3 days after your last day of your symptoms.

For more information visit:
Chester County Health Department
www.chesco.org/coronavirus



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Purpose: This guide has been developed to support the screening of **essential employees** to assess need to self-isolate and work remotely. Non-essential employees are encouraged to work remotely, until further notice.

Procedure:

1. **Assess Current Symptoms upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Are you taking any medication to treat or suppress a fever? Yes/No
- Are you currently experiencing any of the following symptoms?

| Column A | Column B |
|--|---|
| 1 or more symptoms | 2 or more symptoms |
| Fever (99.5°F or higher ¹) | Lack of smell or taste (without congestion) |
| Cough | Sore throat |
| Shortness of breath | Chills |
| Difficulty breathing | Muscle pain |
| | Headache |

"Has Symptoms" is defined as having 1 or more symptom(s) in Column A
OR 2 or more symptoms in Column B
OR Yes to medication to suppress a fever.

2. **Provide Guidance (Table 1):**

| Status | Employer Recommendation | Guidance for Essential Employee |
|----------------------|--|---|
| No Symptoms | Symptom and temperature check daily upon arrival | <ol style="list-style-type: none"> 1. Employee self-monitor for symptoms. 2. Wear a face mask at all times. 3. Practice social distancing in the work-place and do not congregate in common areas. 4. Go home immediately if they become sick. 5. Do not share headsets or objects used near face. |
| Has Symptoms | Self-isolate at home | <ol style="list-style-type: none"> 1. Notify supervisor. 2. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met. |
| Positive Test Result | Self-isolate at home | <ol style="list-style-type: none"> 1. Notify supervisor. 2. Follow the "COVID-19 Positive Test Result or Exposure" guidance. 3. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met. |

¹ Taken with temporal thermometer



Chester County Health Department

Coronavirus COVID-19

Workforce Screening
Updated: April 22, 2020

COVID-19 Exposure or Positive Test Result:

To ensure continuity of operations of essential functions, the Centers for Disease Control (CDC) advises that essential employees and healthcare personnel may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions listed in Table 1 are implemented to protect them and the community.

Individuals are notified by their physician or the Health Department about test results for COVID-19. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *COVID-19 Return to Work Guidance* is met.

Test results would include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (see below).
- Detection of specific antigen in a clinical specimen
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (see below).
- Detection of IGM antibody in serum, plasma, or whole blood indicative of a new or recent infection
 - Individuals should follow the guidance in Table 1 and "Testing for COVID-19 Antibodies" (see below).

Note: If an individual is asymptomatic or has very mild symptoms, they will not be tested. Individuals are encouraged to follow the self-monitoring and quarantine guidance and call their primary care physician if symptoms worsen.

If an employee tests positive for COVID-19, the building does not need to be evacuated. An employer may choose to voluntarily close to perform a deep cleaning out of an abundance of caution (see "Cleaning and Hygiene" button at www.chesco.org/coronavirus).



Chester County Health Department Coronavirus COVID-19

Workforce Screening
Updated: April 22, 2020

Temperature Assessment:

The temperature considered a fever differs based on how temperature is taken.

| Mode | Temperature for fever |
|-----------------------|-----------------------|
| Walk through scanner | 97.5°F or higher |
| Axillary and temporal | 99.5°F or higher |
| Oral | 100.0°F or higher |

COVID-19 Return to Work Guidance:

Essential employees may discontinue home isolation and return to work under the following conditions:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication.
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** At least 7 days have passed since symptoms first appeared.

Essential employees and healthcare personnel (HCP) with symptoms under home isolation **MUST** be excluded from work until:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** at least 7 days have passed since symptoms first appeared.

After returning to work, essential employees and HCP should:

- Wear a facemask at all times while at work until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer.
- Be restricted from contact with severely immunocompromised individuals/patients (e.g., transplant, hematology-oncology) until 14 days after illness onset.
- Adhere to hand hygiene, respiratory hygiene, and cough etiquette (e.g., cover nose and mouth when coughing or sneezing, dispose of tissues in waste receptacles).
- Self-monitor for symptoms. Seek immediate re-evaluation from occupational health/primary care provider and do not work if symptoms recur or worsen.



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Screening Procedure

Everyone entering a County building must complete screening, staff and visitors. The screening tool will assess potential symptoms and provide guidance to "GO" or "STOP" as shown below.

Step 1: Individuals entering the building should use the camera feature on their smart phone to scan the posted QR code and fill in the survey questions.

Note: if individuals do not have a phone, security staff should access the survey on a designated laptop or device to ask the question verbally and complete the screening assessment.

Step 2: Complete temperature screening of individual and tell person whether they have a fever based on temperature cutoffs:

| Mode | Temperature for fever |
|-----------------------|-----------------------|
| Walk through scanner | 98°F or higher |
| Axillary and temporal | 99.5°F or higher |

Step 3: Submit survey and receive "GO" or "STOP" guidance.

If GO: Show to security and continue into building

If STOP: Leave the building, return to car. Employees must call HR to notify them and receive additional instructions, prior to leaving.