

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

**FIFTH EMERGENCY ORDER EXTENSION – MAGISTERIAL DISTRICT COURT
OPERATIONS, AS AMENDED**²

AND NOW, this 18th day of December, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and 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 October 30, 2020,⁴ **SHALL** be **AMENDED** to reflect the *temporary* postponement of *in-person* criminal preliminary hearings before the magisterial district courts and otherwise per that which the attached operational protocol more further details,⁵ **EFFECTIVE MONDAY, DECEMBER 21, 2020**, through and including **DECEMBER 31, 2020**.⁶

Unless this court in the interim directs otherwise, *in-person* criminal preliminary hearings before the magisterial district courts **SHALL RESUME** January 4, 2021, consistent with and as is more further detailed by the salient protocols dated October 30, 2020.⁷

That ordered above 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).⁸

BY THE COURT:



Kevin F. 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 July 16, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated July 24, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated August 7, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated August 31, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated September 11, 2020; and Fifth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated October 30, 2020.

² *The amendments adopted by this order temporarily postpone in-person criminal preliminary hearings before the magisterial district courts, effective December 21, 2020, through and including December 31, 2020.* See Magisterial District Courts’ Emergency Cancellations and Revised Scheduling Protocols, *as Amended*, dated December 18, 2020. (A copy of this amended protocol (December 18, 2020) is attached and wholly by reference incorporated. The material changes to the immediate past magisterial district court directives (October 30, 2020) begin on page ten (10) of the appended, updated protocol (December 18, 2020) and all the 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; Fourth Emergency Declaration Extension dated July 8, 2020; and Fifth Emergency Declaration Extension dated October 20, 2020. See also Pa.R.J.A. No. 1952(B)(1)(2).

⁴ See Fifth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, and Attached Protocols dated October 30, 2020.

⁵ The changes to the immediate, previous magisterial district court operational directives (October 30, 2020) begin on page ten (10) of the attached protocol (December 18, 2020) and all such amendments for ease of reference are throughout underlined. See Magisterial District Court Emergency Cancellations and Revised Scheduling Protocols dated December 18, 2020. See also Pa.R.J.A. No. 1952(B)(1)(2)(a)(b)(c)(d)(h)(i)(k)(l)(q).

⁶ 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 the 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 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.); 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 Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate

[per 100,000 residents] in the region. ..."); October 7, 2020, Section A, 1, 8 ("Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania"); October 8, 2020, Section A, p. 9 ("... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week ..."); October 11, 2020, Section B, p. 2 ("Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months ..."); October 13, 2020, Section B, pp. 1, 8 ("The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days ... Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125"); October 16, 2020, Section A, p. 8 ("Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak."); October 23, 2020, Section A, p. 8 ("... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe."); October 29, 2020, Section A, pp. 1, 3 ("Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic, ..."); November 5, 2020, Section B, pp. 1, 9 ("The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come."); November 6, 2020, Section B, pp. 1, 4 ("As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unprecedented daily increase of ... COVID-19"); November 8, 2020, Section B, pp. 1, 4 ("Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area."); November 10, 2020, Section B, pp. 1, 3 ("At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%"); November 12, 2020, Section B, pp. 1, 1 ("A second pandemic wave is ... in the region nearly nine months after the forced shutdowns ... Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances ..."); November 13, 2020, Section A, pp. 1, 6 ("All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients ... Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period ... In Delaware County, cases are close to where they were at the spring pandemic peak ..."); November 16, 2020, Section B, pp. 1, 5 ("Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared."); November 17, 2020, Section A, pp. 1, 1 ("With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... The statewide positivity rate has increased to 9.6% from 6.8%"); November 18, 2020, Section A, pp. 1, 6 ("Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area."); November 20, 2020, Section A, pp. 1, 10 ("... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day ... 'The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.'"); December 4, 2020, Section A, p. 1 ("Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than a 11,000 new infections ... All but eight of Delaware County's ICU beds were filled, state data showed."); December 10, 2020, Section A, pp. 1, 6 ("Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, ... Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday ..."); December 11, 2020, Section A, pp. 1, 6 ("Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place ... The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days, ..."); and December 16, 2020, Section A, pp. 1, 14 ("... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. ... Pennsylvania surpassed 500,000 confirmed

cases of the virus, reporting 9,556 new cases.”). *See also* Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(i)(j)(k)(q).

⁷ *See* Magisterial District Court Emergency Scheduling and Operation Protocols and Fifth Emergency Order Extension ... – Magisterial District Court Operations, *as Amended* dated October 30, 2020.

⁸ *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 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 constant best efforts in all other type matters to accomplish a more full-scale processing of cases subject to the still 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 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 and/or ongoing operations with sworn personnel of the Delaware County Park Police and/or Pennsylvania state constables,³ *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 personnel, as well as all court users and the public generally, and the proper wearing of appropriate face masks, social distancing and/or every other in effect COVID-19 mitigation spread governmental directives.⁴

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 above and below be assigned to specific 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 at least a few weeks or until such time as it has been demonstrated the operations of that specific court office are stabilized and can be conducted safely, absent a continuous law enforcement presence, particularly salient to mask wearing, social distancing and/or any other in effect coronavirus mitigation spread governmental directives, and as state constable availability otherwise allows.

Once a magisterial district court facility has reopened and been operational for a sufficient period of time as to evidence a constancy and safety of operations the constable(s) as their availability other otherwise permit 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 (*I.e.* Chester City – 529 Penn Street, Chester, Pa 19013-6033; Lansdowne – 60 W. Marshall Road, Lansdowne, Pa 19050; Darby Borough – 150 S. MacDade Boulevard, Suite E, Darby, Pa 19023-1814; and Springfield – 56 Powell Road, Springfield, Pa 19064-2446), there will preferably be a team of at least two (2) law enforcement personnel at **ALL** such locations, Monday through Friday, 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 building⁵ and the facility is otherwise then closed to even such limited public traffic.

As for those magisterial district court offices opened to the public for the resumed filing and hearing of civil actions, as well as the lodging of summary non-traffic citations and traffic citations generally limited to driving under suspension-driving under the influence related⁶ (*I.e.* Linwood – 526 W. Ridge Road, Linwood, Pa 19061-4219; Newtown Square – 4655 West Chester Pike, Newtown Square, Pa 19073-2226; Media Borough – 349 West Baltimore Avenue, Media, PA 19063-2609; Upper Darby – 1550 Garrett Road, Upper Darby, Pa 19082-4505; and Darby Township – 11 Bartram Avenue, Glenolden, Pa 19036-1802), at least one (1) constable will be present at **ALL** such locations, Monday through Friday, from 8:30 a.m. to at least 4:30 p.m., and later on any given day should the public business of the local court then not be concluded. The constable(s) as a function of the interior transactional windows open to the public and the size of the building's lobby 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 park officer(s) and/or constable(s) designated to a magisterial district court facility holding *in-person* criminal preliminary hearings and/or publicly opened for civil filings and/or other local court transactions 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.⁷ Relatedly, these park police officer(s) and/or constable(s) 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, state and/or county 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.

The Office of Magisterial District Court Administrator **SHALL** assure at least one (1) constable assigned to each publicly operational magisterial district court facility is supplied with a hand-held metal detector wand and a contactless thermometer. The Magisterial District Court Administration Office **MUST** also generally insure that **ALL** constables designated to a publicly open magisterial district court office have ready and regular daily access to hand sanitizer, adequately sized vinyl gloves, a sufficient quantity of face masks, and viral sanitizing spray bottles. The Office of the Magisterial District Court Administrator **SHALL** create and/or maintain timely communication avenues with the various constables to assure that as made 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 ensure 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 continue to ensure that the staff areas of any office reopened to the public, whether in whole or part, has all 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 and/or direct a rational work schedule 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 and the given matter is then for a hearing listed.

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(s) 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 facility

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 facility, unless the presiding Magisterial District Judge instructs to the contrary.

ALL interested persons should plan to arrive at the magisterial district court office approximately fifteen (15) minutes prior to the listing's scheduled start to allow sufficient time to work through both the above and 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.⁸ 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, state and/or county 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,⁹ 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** originally 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), Polycom. 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, state and/or county 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 (*E.g.* criminal preliminary hearings, civil actions and/or summary citations), including but not limited to the names of any interested parties expected to appear, as well as counsel.

For **ANY AND ALL** evidentiary hearings-trials, 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 and distinct time or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than twelve (12), excepting the court and judicial staff. 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 (*E.g.* criminal preliminary hearing) 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, yet within the local court office failing to comply with salient governmental directives, including but not limited to social distancing and/or the proper wearing of an appropriate 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 magisterial district 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 the underlining circumstances.)

The refusal of any magisterial district court public user (*E.g.* a person attempting to file a breach of contract civil action) to undergo the above-described health screening and/or security check **SHALL** be **IMMEDIATE GROUNDS** for the involved constable(s) and/or park officer(s) to refuse that person entry to the local court facility. Likewise, should a magisterial district court public user (*E.g.* a person wanting to make a payment) fail and/or refuse to follow once admitted to the local court office the various governmental directives then in place to mitigate the spread of the coronavirus (*E.g.* proper wearing of an appropriate mask), the on-scene constable(s) and/or park police officer(s) **SHALL IMMEDIATELY** direct that individual's removal from the magisterial district court facility regardless of whether he or she has then finished with the local court his or her intended business. (Any park officer(s) and/or constable(s) constrained for whatever the reasons to remove a public court user from a magisterial district court office **MUST** promptly notify the District Court Administrator's Office (610 565-6990) of the removal and the reasons for the same.)

ALL courtrooms utilized for *in-person* evidentiary proceedings will on the conclusion of a given day's cases be sprayed with a viral disinfectant recommended by salient government health authorities, 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** other magisterial district court facilities in Delaware County (thirty-second (32nd) judicial district) are constrained to remain closed for any *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.¹⁰

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 January 31, 2021,¹¹ excepting as allowed above and below, or this court's subsequent order, whichever is earlier, and notifying the public how fines, costs, bail and/or restitution may be paid online, as well as at one (1) of the five (5) local court offices designated and publicly open, *inter alia*, for such transactions.

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 the Magisterial District Court Administrator (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 official 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 January 31, 2021,¹² be available to conduct preliminary arraignments as the attached schedule directs.¹³ **ALL** criminal preliminary arraignments **SHALL** be held via ACT (advanced communication technologies) **ONLY** and relatedly **NO** arrestees and/or

prisoners **SHALL** for now be permitted in and/or about **ANY** 32nd judicial district (Delaware County) magisterial district court facility.¹⁴

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.¹⁵

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,¹⁶ giving exclusive scheduling priority to those imprisoned accuseds.¹⁷ 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.¹⁸

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.¹⁹ **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, and more specifically Delaware County, would have then sufficiently abated to safely allow for any such prisoners' custodial transportation and related *in-person* appearance before the court.²⁰

EFFECTIVE DECEMBER 21, 2020, through and including DECEMBER 31, 2020,²¹
there will be **NO** *in-person* criminal preliminary hearings before the magisterial district courts
with all such cases then listed on or after January 4, 2021, consistent with and as is more further
detailed by the salient protocols dated October 30, 2020.²²

PROTECTION FROM ABUSE MATTERS

Magisterial District Judges in Delaware County (32nd judicial district) **SHALL** as of the present until and including January 31, 2021,²³ 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.²⁴ **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.

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.²⁵

CIVIL ACTIONS and OTHER TRANSACTIONAL PROCESSINGS

The Magisterial District Court Administrator working in concert with the Delaware County Facilities Director as may still be necessary 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 and/or direct a rotational work schedule if necessary to promote required social distancing, yet sufficient to allow for the public filing of civil matters, certain summary citations lodged by law enforcement and/or municipalities, as well as other local court transactions, and per that which this protocol further details: Linwood – 526 W. Ridge Road, Linwood, Pa 19061-4219; 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 relatedly directs additionally,²⁶ the Office of the Magisterial District Court Administrator will also arrange and/or otherwise schedule at least one (1) constable to man each of these five (5) magisterial district court facilities (Darby Township; Upper Darby; Media Borough; Linwood; and Newtown Square) designated for the acceptance of civil matter filings and those resultant type trials – hearings, as well as other certain transactional processings when **ANY** of the courts in this judicial district (32nd – Delaware County) are publicly open to at least 8:30 a.m. through and including 4:30 p.m., and later should the business of a public from local court user extend beyond the usually 4:30 p.m. closing time.

The following five (5) magisterial district court facilities will continue to be open for the public lodging of civil actions within the jurisdictional authority of the Delaware County (32nd judicial district) Magisterial District Judges, as well as the other local court transactional processing this protocol²⁷ details (*E.g.* payment for parking ticket and/or the posting of bail): Linwood – 526 W. Ridge Road, Linwood, Pa 19061-4219; 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 19082-4505.²⁸

ANY civil action within the jurisdictional purview and/or venue of a Delaware County (32nd judicial district) Magisterial District Judge may still be “filed” at any of these five (5) designated magisterial district court facilities (Linwood; Media Borough; Upper Darby; Newtown Square; and Darby Township) regardless of the local court otherwise having such original jurisdiction and/or venue. (Each of these five (5) magisterial district court facility locations (Linwood; Media Borough; Upper Darby; Newtown Square; and Darby Township) can accept on a countywide basis any civil pleadings otherwise able to be properly and lawfully lodged with a thirty-second (32nd) judicial district (Delaware County) Magisterial District Judge.)

Because for administrative purposes on every material level the same is a better course of proceeding, while each of the five (5) designated local courts (Darby Township; Media Borough; Upper Darby; Linwood; and Newtown Square) will except civil filings on a judicial district (32nd Delaware County) wide basis, **ALL** such pleadings will under the direction of the Magisterial District Court Administrator’s Office be docketed and processed by the court of jurisdiction and/or venue, including but limited to the depositing of **ALL** filing fees and/or **ANY** such attendant costs.

Appreciating that the transferring of civil pleadings lodged at one (1) of the five (5) designated local court facilities (Darby Township; Upper Darby; Media Borough; Linwood; and Newtown Square) will necessitate a modest delay between the actual systematic receipt of the civil action and its subsequent docketing, **ANY** such civil lodging will be accompanied by the contemporaneous issuance of a timestamped receipt, and the date of “filing” for **ANY AND ALL** such civil actions (*I.e.* accepted at Darby Township district court facility and subsequently forwarded for docketing to the Ridley Township district court having original jurisdiction and/or venue) **SHALL** be the day on which the pleading(s) was submitted to the first local court office as evidenced by the timestamped receipt. (The staff at these five (5) magisterial district court facilities (Darby Township; Upper Darby; Media Borough; Linwood; and Newtown Square) in addition to providing as is necessary for civil matters being internally transferred for docketing and processing to another local court of original jurisdiction and/or venue a timestamped receipt to **ALL** such filers **MUST** also make and maintain a copy the timed receipt to include as part of that action’s original case file.)

The Office of the Magisterial District Court Administrator **SHALL** continue the scheduling *in-person* civil hearings – trials at the five (5) designated local court facilities (Darby Township; Upper Darby; Media Borough; Linwood; and Newtown Square) and consistent with the appended schedules.²⁹ **ALL** such civil hearings – trials **SHALL** for now be scheduled in ten (10) minute intervals.

As may be practicable for the Magisterial District Court Administrator's Office and/or local court staff when crafting these civil trial – hearing lists, due consideration **MUST** be given to scheduling those such matters first lodged and then those more recently filed.

Recognizing that the informed scheduling of civil matters before this judicial district's (32nd – Delaware County) Magisterial District Judges obviously requires not only the knowledge of these case dockets as such existed when the ongoing public health crisis necessitated a hiatus of local court operations, but as well a firm and ongoing understanding of the number and nature of those matters lodged with the five (5) designated magisterial district court facilities (Upper Darby; Darby Township; Media Borough; Newtown Square; and Linwood) reopened for purposes of accepting such public filings, **ANY** local rule mandating the listing of those civil actions within the jurisdictional authority of the magisterial district courts of Delaware County (32nd judicial district) **SHALL** for now be *temporarily* **SUSPENDED**.³⁰ Relatedly, the Magisterial District Court Administration Office **SHALL** as may be necessary under any salient circumstances and/or procedural rules **CONTINUE** the scheduling of any trial – hearing.³¹

Appreciating that some magisterial district courts compared to other local courts will at varying times subsequent to the resumption of civil trials – hearings on September 28, 2020, have addressed their respective backlog of such pending hearings so that the number of these *in-person* weekly scheduling times will not for those certain magisterial district courts be fully utilized, the Magisterial District Court Administrator's Office following discussion with the involved Magisterial District Judges may as is reasonably warranted list in those otherwise unused timeslots civil trials – hearings still outstanding before other magisterial district courts yet having because of case volume and the constrained hiatus of systematic processing brought on by the COVID-19 public health crisis an excess of civil actions pending.³² The scheduling of such civil trials before any local court of *interim* concurrent jurisdiction and/or venue **SHALL** as may be practicable for the Magisterial District Court Administrator's Office and/or local court staff give priority listing to cases first filed and then those more recently lodged.

In addition to the acceptance of civil action lodgings as described above, these five (5) local court offices (Upper Darby; Darby Township; Media Borough; Linwood; and Newtown Square) **SHALL** during regular business hours process and take payments for fines, costs, restitution, and/or the posting of bail regardless of the magisterial district court to which such a financial obligation is owed. (Each of these five (5) local court facilities (Upper Darby; Darby Township; Newtown Square; Media Borough; and Linwood) will accept on a countywide basis **ALL** such payments.)

Through December 31, 2020, or the vacating of the CDC order temporarily halting residential evictions,³³ whichever is earlier, **ANY** landlord filing with the Delaware County, Pennsylvania (32nd judicial district) magisterial district courts a *residential* landlord-tenant action alleging a failure to remit rent and/or housing payment(s) otherwise **MUST** also provide the

presiding Magisterial District Judge a “Centers for Disease Control (‘CDC’) No Affidavit – Declaration Verification.”

This requisite verification must be provided to the applicable magisterial district court at the hearing on the residential landlord-tenant matter **AND** prior to the Magisterial District Judge receiving any testimony.

In the event a Magisterial District Judge grants leasehold possession to a residential landlord, an updated and most current verification³⁴ **MUST** be once more provided to the magisterial district court at the time **ANY** forcible ejectment-eviction is requested and/or otherwise sought.

SUMMARY NON-TRAFFIC and CERTAIN TRAFFIC CITATIONS

The local police departments and/or other law enforcement agencies within this judicial district (32nd – Delaware County), as well as the county’s various municipalities, may continue filing as is further described below with the magisterial district courts of jurisdiction summary non-traffic and certain traffic citations.

Regarding the lodging of non-traffic and/or certain traffic summary citations with a local court office already opened either for *in-person* evidentiary hearings and/or resumed public civil action lodgings,³⁵ a representative of the local police agency and/or municipality **MUST *in advance*** contact the involved magisterial district court and set a mutually convenient date and time to subsequently deliver for of-record filing the non-traffic and/or certain traffic summary citations. There presently **SHALL** be no more than two (2) such appointments weekly for any law enforcement department and/or municipality absent the Magisterial District Court Administrator’s prior and express approval otherwise grounded on extraordinarily compelling circumstances.

Local court personnel in the scheduling of these dates and times certain for the subsequent delivery of the non-traffic and/or traffic citations by a law enforcement group and/or municipality **SHALL** use for such purposes those days of the week and/or times of the day known from actual operational experiences to be least busy regarding those magisterial district court facilities already opened to some extent so as best as possible to minimize in these local court offices increased foot traffic.

As for those magisterial district court facilities not currently opened for any public purposes, the representatives of any law enforcement department and/or municipality **MUST *in advance*** contact the involved local court and set a mutually convenient date and time to subsequently deliver for of-record lodging the non-traffic and/or certain traffic summary citations. Absent the Magisterial District Court Administrator’s prior and express approval

otherwise stemming from extraordinarily compelling circumstances, there currently **SHALL** be no more than three (3) such appointment weekly for any police agency and/or municipality.

Beyond having to make with staff of the involved magisterial district court a prior appointment as is further detailed immediately above, representatives of **ANY** law enforcement department and/or municipality in their delivering of summary non-traffic and/or certain traffic citations to a local court office **MUST** hand over to judicial personnel the citations and/or any attendant paperwork at and/or about the office's entry door and/or as the court staff may otherwise direct, but under **NO CIRCUMSTANCES** are any representatives of a municipality and/or police agency to otherwise remain and/or loiter about the magisterial district court facility.

Under **NO** circumstances will **ANY** summary non-traffic and/or traffic citations be accepted at **ANY** magisterial district court facility unless the police agency and/or municipality involved has previously set as described above for such purposes a prior, specific appointment.

Realizing the informed scheduling of summary non-traffic and certain traffic citation matters with the Magisterial District Judges of this judicial district (32nd – Delaware County) obviously require not only the appreciation of those case dockets as such existed when the continuing COVID-19 public health crisis constrained a hiatus of local court operations, but as well a meaningful and ongoing understanding of the number and nature of those matters lodged on the magisterial district court facilities being for such purposes reopened, **ANY** local rule mandating specific time parameters for the listing of summary non-traffic and/or certain traffic citations within the jurisdictional authority of the Delaware County's (32nd judicial district) magisterial district courts **SHALL** for now be *temporarily* **SUSPENDED**.³⁶ The Office of the Magisterial District Court Administrator and/or local court staff **SHALL** as may be applicable under any procedural rule **CONTINUE** the listing for trial and/or hearing purposes **ANY** non-traffic and/or traffic summary citations.

The Office of the Magisterial District Court Administrator and/or local court staff in the scheduling of non-traffic and/or certain traffic citation cases **SHALL** as far as practicable give due consideration to listing those matters first lodged and then those more recently filed while, as well being mindful of this court's *interim* order delegating to each Magisterial District Judge in Delaware County (32nd Judicial District) concurrent jurisdiction and/or venue as to all the county's magisterial districts relative to summary non-traffic and certain traffic citations.³⁷

The **ONLY** summary traffic citations which may for now be lodged with a local court by **ANY** law enforcement organization are those alleging a driving under suspension-driving under the influence related³⁸ violation. Should the driving under suspension – driving under the influence related³⁹ offense stem from a single episode and where police authorities believe it appropriate to charge the accused with additional motor vehicle and/or crimes code summary offenses,⁴⁰ those other traffic and/or non-traffic citations may as well be filed contemporaneous.⁴¹

Although preference **MUST** be given to reducing the overall judicial district (32nd) wide outstanding preliminary hearing case load, the Magisterial District Court Administrator following discussions with the involved Magisterial District Judges may continue begin scheduling non-traffic and certain traffic citation matters as are more fully described above in those weekly time slots no longer for the listing of *in-person* preliminary hearings needed. The scheduling of non-traffic and certain traffic citation cases in those time slots not necessary for pending *in-person* criminal preliminary hearings may include such matters both within the Magisterial District Judge's jurisdiction and throughout this judicial district (32nd) otherwise.⁴²

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*; and 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 the 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 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.); 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 Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware County as [an] area[] in the state with high community spread of the coronavirus. Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, p. 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware County [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic’s first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... County [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania’s fall coronavirus surge has surpassed the state’s April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania’s average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert’s fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unrepresented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic’s eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are

turning away ambulances ... ”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County’s hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak ... ”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania’s daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania’s top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day ‘The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.’ ”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than a 11,000 new infections All but eight of Delaware County’s ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania’s seven-day average of new cases per date neared 10,000 on Wednesday”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state’s daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,”); and December 16, 2020, Section A, pp. 1, 14 (“... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month, Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases.”). *See also* Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(i)(j)(k)(q).

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 As used throughout this protocol the related words and/or phrases, “constable(s),” “Pennsylvania state constable(s)” and/or “state constable(s)” refer to a constable approved by this court through the Magisterial District Administrator to perform duties on behalf of the thirty-second (32nd) judicial district.

⁴ The Magisterial District Court Administration Office on or about June 1, 2020, 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 more 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 on a full-time basis to the Chester magisterial district court facility. 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).

⁵ 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 to 8:30 a.m. and subsequent to 4:30 p.m. regardless of a law enforcement presence.

⁶ *See* 75 Pa.C.S. §1543(b).

⁷ As may be necessitated by a shortage of available constables, these otherwise expected assignments (*i.e.* two (2) constables at an operational magisterial district court facility holding *in-person* criminal preliminary hearings and at least one (1) constable designated to a magisterial district court office open publicly for civil hearings and such filings) are to be modified per the following the priority: Springfield – one (1) constable; if yet needed, Lansdowne – one (1) constable; and should the same still be necessary Darby Borough – one (1) constable. In the event a shortfall of available constables requires assignment adjustments beyond that this paragraph describes the Magisterial District Court Administer **SHALL** promptly contact the Delaware County Park Police Superintendent and try to arrange with the superintendent *ad hoc, interim* coverage utilizing park officers.

⁸ 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.

⁹ See Orders 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).

¹⁰ 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).

¹¹ See generally Fifth Emergency Declaration Extension dated October 20, 2020.

¹² See generally Fifth Emergency Declaration Extension dated October 20, 2020.

¹³ 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)(c)(d)(f)(g)(h)(q).

¹⁴ 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.

¹⁵ 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.

¹⁶ 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).

¹⁷ 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 the virtual preliminary hearing protocol, this court under that order (May 1, 2020 – No. MD 1545-17) 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 promote and realize throughout this public health crisis’s balance economies of scale and related districtwide efficiencies, along with utilizing those magisterial district court facilities allowing for as best as possible recommended “social distancing,” in addition to all other federal, state and/or county 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.

¹⁸ Wanting to realize some needed flexibility while yet maintaining the scheduling certainty necessarily appreciated by counsel and any witnesses, as well as seeking to address certain concerns of involved George W. Hill Correction Facility (Delaware County Prison) staff, these ACT preliminary hearings will be listed in clusters of five (5) to eight (8) cases hourly. (Involved personnel of the Magisterial District Court Administrator's Office may modestly deviate from this five (5) to eight (8) matter parameter as may be sensible based on any case specific information it timely receives from the interested parties.)

¹⁹ Starting with the Second Emergency Extension Order – Criminal Section a sufficiently controlled number of inmates consistent with various health and safety concerns have once more begun being transported from just the George W. Hill Facility to criminal court proceedings following such discussions with the Delaware County Sheriff's Office, effective September 14, 2020. *See* Section Emergency Extension Order – Criminal Section dated July 24, 2020-Attached protocol, pp. 7-8. After additional communications with salient personnel of the sheriff's office, including reviewing the actual experiences of the restarted *in-person* prisoner transporters, *inter alia*, the immediate past criminal section emergent extension (October 20, 2020) modestly increased the number of inmate custodial transportations for each sitting judge per day and expended those penial facilities from which the same may take place to include Philadelphia County prisons. *See* Third Emergency Extension Order – Criminal Section dated October 20, 2020-Attached Protocol, pp. 7-8. Under the current criminal section operational directives there is an approximate two (2) week hiatus on the custodial transportation of inmates commencing December 21, 2020, through and including December 31, 2020. *See* Third Emergency Order Extension – Criminal Section, as Amended-Attached Protocol dated December 18, 2020. It is generally anticipated that the transportation of inmates for purposes of attending *in-person* local court matters will be addressed subsequent to the criminal trials court having more so returned to prisoner custodial transportations at least approximating pre-public health crisis levels and scope (*E.g.* prisoners transported to and from all county jails and state correctional institutions). *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.”).

²⁰ *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); and 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 the 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 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.); 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 Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“ ... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. Delaware County's per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“ ... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region.”); October 7, 2020, Section A, 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the encl of spring Since the end of

August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“ ... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unrepresented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“ ... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than a 11,000 new infections All but eight of Delaware County's ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place

... The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days, ... "); and December 16, 2020, Section A, pp. 1, 14 (" ... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases."). See also Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(g)(h)(i)(j)(k)(q).

²¹ 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; Fourth Emergency Declaration Extension dated July 8, 2020; and Fifth Emergency Declaration Extension dated October 20, 2020. See also Pa.R.J.A. No. 1952 (B)(1)(2).

²² See Magisterial District Court Emergency and Revised Scheduling Protocols dated October 30, 2020.

²³ See generally Fifth Emergency Declaration Extension dated October 20, 2020.

²⁴ See Attached Delaware County MDJ Coverage Schedule. See also Pa.R.J.A. No. 1952(B)(2)(c)(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.

²⁵ 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)(c)(d)(f)(k)(q).

²⁶ See Magisterial District Court Emergency and Revised Scheduling Protocols dated December 18, 2020, p. 2.

²⁷ See Magisterial District Court Emergency and Revised Scheduling Protocols dated December 18, 2020, p. 2.

²⁸ Prompted by the ongoing COVID-19 pandemic and relatedly wanting to assure as best as possible the health and safety of the Magisterial District Judges, judicial personnel, local court users and/or the public generally, yet recognizing the need to move forward at the local court level with a more full-scale case processing, these five (5) magisterial district court facilities were designated, *inter alia*, for purposes of resumed civil lodgings and/or such resultant trials - hearings because of their dispersed geographical locations around Delaware County (32nd judicial district), spatial and relatedly social distancing concerns, and/or the systematic ability to staff each of these sites with an appropriate security presence in the form of at least one (1) assigned Pennsylvania state constable per each local court office.

²⁹ See Darby Township Civil Hearing Schedule; Upper Darby Civil Hearing Schedule; Linwood Civil Hearing Schedule; Media Borough Civil Hearing Schedule; and Newtown Square Civil Hearing Schedule. Copies of these schedules are attached and wholly by reference incorporated. See also Pa.R.J.A. No. 1952(B)(2)(c)(d)(f)(g)(h)(q).

³⁰ See Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(h)(k)(l)(q). See also Order dated May 27, 2020, pp/ 1-3 - Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³¹ See generally Pa.R.C.P.M.D.J. No. 504.

³² See Orders dated April 20, 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)(c)(d)(h)(k)(q) and Order dated August 31, 2020 - No. 5120-17. (Like its order previously entered to effectuate the preliminary hearing protocol (May 1, 2020), this court has on an *interim* basis delegated each Magisterial District Judge in Delaware County (32nd judicial district) to also have concurrent jurisdictional authority and/or venue in each of the county's magisterial districts

attendant to **ALL** civil actions to once more promote and effectuate during this ongoing public health crisis economies of scale and related district wide efficiencies.) A copy of this *temporary* assignment order (August 31, 2020) is attached and wholly by reference incorporated.

³³ See Centers for Disease Control (“CDC”) Order Temporarily Halting Residential Evictions, effective September 4, 2020, *Federal Register* at 85 FR 55292. See also Administrative Office of Pennsylvania (“AOPC”) Declaration for Temporary Halt in Evictions (MDJS 310 C). A copy of this AOPC declaration is attached and wholly by referenced incorporated.

³⁴ See Residential Landlord-Tenant Verification of Centers for Disease Control (“CDC”) No Affidavit – Declaration. A copy of this verification is attached and wholly by referenced imported.

³⁵ The following magisterial district court facilities in this judicial district (32nd – Delaware County) have been opened for *in-person* criminal preliminary hearings or the acceptance of resumed public civil action filings: Chester City – 529 Penn Street, Chester, PA 19013; Lansdowne Borough – 60 W. Marshall Road, Lansdowne, PA 19050; Darby Borough – 150 S. MacDade Boulevard, Suite E, Darby, PA 19023; Springfield – 56 Powel Road, Springfield, PA 19064; Darby Township – 11 Bartram Avenue, Glenolden, PA 19036; Upper Darby – 1550 Garrett Road, Upper Darby, PA 19082; Newtown Square – 4655 West Chester Pike, Newtown Square, PA 19073; Media Borough – 349 West Baltimore Pike, Media, PA 19063; and Linwood – 526 W. Ridge Road, Linwood, PA 19061.

³⁶ See Pa.R.J.A. No. 1952(B)(2)(a)(c)(d)(f)(h)(k)(l)(q). See also Order dated May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³⁷ 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 August 28, 2020 – No. MD 1545-17. (Similar to its orders entered to facilitate the preliminary hearing protocol (May 1, 2020), and the resumed public lodging of civil actions, this court has also *temporarily* assigned each Magisterial District Judge in Delaware County (32nd judicial district) to additionally have concurrent jurisdictional authority and/or venue in all of the county’s magisterial districts salient to summary non-traffic and certain traffic citation matters to again promote and realize throughout this continuing public health crisis’s remainder economies scale and related district wide efficiencies.) A copy of this *interim* assignment order (August 31, 2020) is attached and wholly by reference incorporated.

³⁸ See 75 Pa.C.S. §1543(b).

³⁹ See 75 Pa.C.S. §1543(b).

⁴⁰ See generally 18 Pa.C.S. §§101 *et seq.* and 75 Pa.C.S. §§ 101 *et seq.*

⁴¹ See 18 Pa.C.S. §110. See also *Commonwealth v. Perfetto*, 207 A.3d 812 (Pa. 2019).

⁴² See Order dated August 31, 2020 – No. MD 1545-17. A copy of this *interim* assignment order (August 31, 2020) is attached and wholly by reference incorporated.



Chester County Health Department
 COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Purpose: This guide has been developed to support the screening of employees to assess need to be excluded from the workplace and self-quarantine or self-isolate.

Procedure:

1. **Assess current symptoms, recent exposure, and travel history upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Ask: Are you taking any medication to treat or suppress a fever?
- Ask: Are you currently waiting for a COVID-19 test result for any reason other than a required routine screening for work or a health procedure?
- Ask: Have you tested positive for COVID-19 in the past 10 days?
- Ask: In the last 14 days, have you had close contact with someone who has COVID-19? Close contact means you were within 6 feet of that person for 15 minutes or longer.
- Ask: Have you traveled in the last 14 days outside of Pennsylvania, other than for work or for medical reasons?
 - If yes: Have you received a negative COVID-19 test? Note: the specimen must have been taken 72 hours prior to arrival in PA or after arrival to PA.
- Ask: Are you currently experiencing any of the following symptoms?

Group A 1 or more symptoms	Group B 2 or more symptoms	
Cough	Sore throat	Headache
Shortness of breath	Chills	Congestion or runny nose
Difficulty breathing	Muscle pain	Nausea or vomiting
Lack of smell or taste (without congestion)	Fatigue	Diarrhea
	Fever	

"COVID-19 Symptoms" is defined as having 1 or more symptom(s) in Group A
OR 2 or more symptoms in Group B

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

Scenario	Exclusion from Workplace Return to Work Guidance	
#1 – Negative Screen	None	NA



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Scenario	Exclusion from Workplace	Return to Work Guidance
#2 – COVID-19 Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from workplace.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work based on clinical criteria for alternative diagnosis. If no alternative diagnosis is known, return to work 24 hours after symptoms are improved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. <p>If individual is not tested, follow return to work guidance for scenario #3 (assume employee is positive).</p>
#3 – Positive COVID-19 PCR Test <u>with</u> Symptoms	Yes	<ul style="list-style-type: none"> ➤ 24 hours with no fever and ➤ improvement in symptoms and ➤ 10 days since symptoms first appeared.
#4 – Positive COVID-19 PCR Test <u>without</u> Symptoms	Yes	<p>10 days after the PCR test was collected.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 10 days, follow return to work guidance for scenario #3.
#5 – Close Contact <u>with</u> Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from work.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work 14 days after last exposure to the person with COVID-19, and symptoms have resolved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. ➤ If individual is not tested and develops symptoms within 14 days of exposure, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>
#6 – Close Contact of COVID-19 <u>without</u> Symptoms	Yes	<p>14 days after the date of last exposure to the person with COVID-19.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 14 days, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>



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Scenario	Exclusion from Workplace	Return to Work Guidance
		<i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms, does not need to stay home.</i>
#7 – Yes to Travel History	Yes	10 days after return from out-of-state travel OR Negative test result from a specimen collected within 72 hours prior to returning to Pennsylvania or after arrival to PA. Note: Individual must quarantine until the negative result is received. <i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home.</i>

Guidance for Employees:

1. Notify your supervisor if you meet any exclusion from work criteria.
2. Self-monitor for symptoms.
3. Wear a face mask at all times.
4. Practice social distancing in the workplace and do not congregate in common areas.
5. Notify your supervisor and go home immediately if you become sick.
6. Do not share headsets or objects used near face.
7. Notify your supervisor of travel plans.

Employees with COVID-19 Exposure or Positive Test Result:

Individuals are notified by their physician or the Health Department about test results for COVID-19. Individuals who are a close contact of a case are notified by the case, facility where they were exposed, or the Health Department. Because tests may be false positive or false negative, some testing may need to be repeated or confirmed. If there is uncertainty about an employee's result, have them consult their physician. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *Return to Work Guidance* is met, regardless of symptoms. This includes essential employees.

Test results may include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test (PCR)
- Detection of specific antigen in a clinical specimen



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Anyone who has had close contact with someone with COVID-19 and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Based on new information regarding antibody testing, results of antibody tests are not used for exclusion from work or return to work.

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. Visit <https://www.chesco.org/4437/Coronavirus-COVID-19-How-to-Help> for information on cleaning and disinfecting.

Alternative Quarantine Guidance:

The use and adherence to quarantine requirements continue to be a strong public health measure to mitigate COVID-19. Quarantining individuals breaks the transmission cycle by limiting exposure to other individuals. Therefore, the Chester County Health Department continues to recommend 14 day quarantine period as the most protective quarantine period. The Chester County Health Department recognizes the following quarantine periods as acceptable alternatives when adherence to the 14 day period is truly not possible.

The following alternative quarantine periods do NOT apply to individuals who work at, or live in, healthcare or congregate settings to include hospitals, healthcare practices/offices, long-term care facilities, correctional facilities, clinics of all sizes, shelters, group homes, etc.

Employers and organizations, including daycare/childcare centers, public/non-public schools, must determine if they will support alternative quarantine periods for their employees, those doing business with them, or receiving services from them. Employers and organizations selecting to use alternative quarantine periods as outlined below must continue symptom monitoring for the full 14 days continues, and must continue strict adherence to all existing local and state mandates and guidance (e.g., masking, physical distancing). Employers and organizations are recommended to consult their solicitor regarding any policies, procedures or protocols for requirements that may need to be in place regarding proof of negative test result and date of test when using alternative quarantine periods. Additionally, employers and organizations should update their employee and visitor screening protocol if using the alternative quarantine protocols.



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Alternative quarantine periods when 14 days cannot be adhered to:

- Quarantine can end after day 10 without testing if an individual remains asymptomatic through the end of day 10.
- Quarantine can end after day 7 if a diagnostic specimen (e.g., RT-PCR, antigen) tests negative and is collected on day 5 or thereafter, and the person remains asymptomatic until the test result is received.

Quarantine begins after the date of last exposure (day 0) to a person with COVID-19. At no time can quarantine be discontinued before the end of day 7 even if a negative COVID-19 test result is received prior to the end of day 7.

Chester County Health Department will support PA DOH’s evaluation of these alternatives in terms of compliance with quarantine and contact tracing activities, but also for any potential negative impacts such as post-quarantine transmission.

Chester County Health Department continues to recommend that COVID-19 testing be prioritized for symptomatic persons seeking evaluation for COVID-19 infection ahead of testing for early discontinuation of quarantine.

Temperature Assessment:

The temperature considered a fever during screening differs based on how temperature is taken. Consult with the manual of the device you are using to confirm temperature for fever. Any fever reported by an employee, even if no thermometer was used, is considered symptomatic.

Mode	Temperature for fever
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

Travel:

If an employee travels outside of the state of Pennsylvania that individual needs to quarantine for 10 days upon return to Pennsylvania OR receive a negative COVID-19 test result from a specimen collected within 72 hours of their return to PA or after arrival to PA. If symptoms develop during that time, follow above exclusion and return to work criteria. Exceptions to this include individuals traveling to and from PA for the purposes of work, for medical reasons, or military orders. Employees should notify their supervisor of travel plans prior to traveling.



Chester County Health Department
COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Anyone who has traveled outside of Pennsylvania and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home or be retested. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Employers should consider potential exposure risks and consider remote work options for employees who reside in an area with travel restrictions and work in the county. Employees who reside in an area with travel restrictions and continue to work in-person should be mindful of their activities in that area, and minimize their potential exposure.

<u>Day and Date</u>	<u>Daytime Video Only Arraignments</u>	<u>Evening Video Only Arraignments</u>
Thursday, October 29, 2020	Davis	Gallagher
Friday, October 30, 2020	Lang	Merkins
Saturday, October 31, 2020	Sandone	Karapalides
Sunday, November 01, 2020	Stone	Hunter
Monday, November 02, 2020	Grimes	Griffin
Tuesday, November 03, 2020	Vann	Holefelder
Wednesday, November 04, 2020	Lippart	Turner
Thursday, November 05, 2020	Lacianca	Strohl
Friday, November 06, 2020	Nistico	Krull
Saturday, November 07, 2020	Forbes	Lang
Sunday, November 08, 2020	Gallagher	Roberts
Monday, November 09, 2020	Berardocoo	Grimes
Tuesday, November 10, 2020	Krull	Turner
Wednesday, November 11, 2020	Davis	Lippart
Thursday, November 12, 2020	Nistico	Burke
Friday, November 13, 2020	Micozzie-Aguirre	Sandone
Saturday, November 14, 2020	Burns	Mattox
Sunday, November 15, 2020	Holefelder	Lippart
Monday, November 16, 2020	Hunter	Grimes
Tuesday, November 17, 2020	D'Agostino	Davis
Wednesday, November 18, 2020	Williams	Goldberg
Thursday, November 19, 2020	Turner	Berardocoo
Friday, November 20, 2020	Forbes	Williams
Saturday, November 21, 2020	Hunter	Gallagher
Sunday, November 22, 2020	Merkins	Micozzie-Aguirre
Monday, November 23, 2020	Berardocoo	Strohl
Tuesday, November 24, 2020	Grimes	Krull
Wednesday, November 25, 2020	Stone	Roberts
Thursday, November 26, 2020	Radano	Turner
Friday, November 27, 2020	Davis	Goldberg
Saturday, November 28, 2020	Williams	Nistico
Sunday, November 29, 2020	Vann	Krull
Monday, November 30, 2020	Burns	Sandone
Tuesday, December 01, 2020	Burke	Karapalides
Wednesday, December 02, 2020	Lacianca	Lacey
Thursday, December 03, 2020	Turner	Berardocoo
Friday, December 04, 2020	Lang	Radano
Saturday, December 05, 2020	Lippart	Stone
Sunday, December 06, 2020	Holefelder	Burke
Monday, December 07, 2020	Micozzie-Aguirre	Vann

M-F Day 9:00 to 4:00
 S-S Day 9:00 to noon

Every evening 6:00 to 9:00

Holiday day 9:00 to noon

<u>Day and Date</u>	<u>Daytime Video Only Arraignments</u>	<u>Evening Video Only Arraignments</u>
Tuesday, December 08, 2020	Goldberg	Gallagher
Wednesday, December 09, 2020	Merkins	Griffin
Thursday, December 10, 2020	Karapalides	Lang
Friday, December 11, 2020	Radano	Forbes
Saturday, December 12, 2020	Burke	Mattox
Sunday, December 13, 2020	Griffin	Berardocco
Monday, December 14, 2020	Strohl	Burns
Tuesday, December 15, 2020	Stone	D'Agostino
Wednesday, December 16, 2020	Mattox	Holefelder
Thursday, December 17, 2020	Lang	Lacianca
Friday, December 18, 2020	Sandone	Nistico
Saturday, December 19, 2020	Vann	Merkins
Sunday, December 20, 2020	Burns	Hunter
Monday, December 21, 2020	Lacey	Micozzie-Aguirre
Tuesday, December 22, 2020	Burke	Goldberg
Wednesday, December 23, 2020	Roberts	Williams
Thursday, December 24, 2020	Nistico	Lacey
Friday, December 25, 2020	Strohl	Grimes
Saturday, December 26, 2020	Gallagher	Lacianca
Sunday, December 27, 2020	Griffin	Lang
Monday, December 28, 2020	Roberts	Stone
Tuesday, December 29, 2020	Turner	Strohl
Wednesday, December 30, 2020	Lippart	Vann
Thursday, December 31, 2020	Krull	Nistico
Friday, January 01, 2021	Karapalides	Sandone
Saturday, January 02, 2021	Goldberg	D'Agostino
Sunday, January 03, 2021	Berardocco	Lacianca
Monday, January 04, 2021	Radano	Griffin
Tuesday, January 05, 2021	Goldberg	Mattox
Wednesday, January 06, 2021	Lacey	Merkins
Thursday, January 07, 2021	Grimes	Davis
Friday, January 08, 2021	Williams	Karapalides
Saturday, January 09, 2021	Forbes	Burns
Sunday, January 10, 2021	Lacianca	Lippart
Monday, January 11, 2021	Merkins	Hunter
Tuesday, January 12, 2021	Krull	Stone
Wednesday, January 13, 2021	D'Agostino	Radano
Thursday, January 14, 2021	Holefelder	Forbes
Friday, January 15, 2021	Hunter	Roberts
Saturday, January 16, 2021	Micozzie-Aguirre	Vann

M-F Day 9:00 to 4:00
 S-S Day 9:00 to noon

Every evening 6:00 to 9:00

Holiday day 9:00 to noon

<u>Day and Date</u>	<u>Daytime Video Only Arraignments</u>	<u>Evening Video Only Arraignments</u>
Sunday, January 17, 2021	Sandone	Burke
Monday, January 18, 2021	Griffin	Holefelder
Tuesday, January 19, 2021	Mattox	Burns
Wednesday, January 20, 2021	Gallagher	Micozzie-Aguirre
Thursday, January 21, 2021	Karapalides	Davis
Friday, January 22, 2021	Lacey	D'Agostino



**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

July 29, 2020

MDJ Court Video Arraignment Protocol for Law Enforcement Agencies

Per the order of President Judge Kevin Kelly, ALL Preliminary Arraignments must be conducted by Video until further Notice. Detainees are NOT permitted in ANY Magisterial District Court facility during the COVID-19 Judicial Emergency.

1. In order to accomplish the Video Arraignments with the Magisterial District Courts, the following will be required at law enforcement agency during the COVID19 Emergency:
 - A. The computer with Polycom software and an internet connection.
 - B. A fax machine.
 - C. A copier.
 - D. If possible, a second computer with internet access for defendants to use if they are able to post bail with a credit or debit card (see below).

2. During the COVID19 Emergency the MDJ Admin Office will provide law enforcement agencies and the Bail Office with the contact information and times the Video Magisterial District Judge(s) will be available for the following day(s), as per schedule approved by President Judge Kelly. The Bail Office contact information for their on duty Bail Interviewer(s) will be included with the MDJ Court information.

Connecting by Polycom

The following are instructions on how to make the Video Connection from any police facility to the Bail Office and/or an MDJ Court.

Please note, each defendant will need **BOTH** a Video Bail Interview and a separate Video Arraignment.

1. Arrange for a mutually agreed time for a Video Connection between you and the other party. TELEPHONE COMMUNICATION IS ESSENTIAL.

2. Using the attached instructions, connect to the Polycom Bridge. The IP address is:

From the any law enforcement agency to the Bail Office:

204.13.205.232##781001

From the any law enforcement agency to any MDJ Courts

204.13.205.232##781004

You MUST use the specifically assigned numbers above for the designated connection as the Bail Office and MDJ Courts will both be doing Videos at the same time with different locations.

For each defendant needing to be arraigned, the law enforcement officers will need to do the following:

- 1.) Complete, or receive from another agency, 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 law enforcement agency by the MDJ Court:
 - a. Copy of the Criminal Complaint and Affidavit of Probable Cause (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 law enforcement agency. When the Bail Packet is received, give it to the defendant and have the defendant sign the Bail Packet forms. The Bail Packet includes:
 - a. Bail Release Conditions, if applicable (defendant must sign)
 - b. Important Additional Requirements of Bail Bond (defendant must sign)
 - c. Bail bond (defendant must sign)
 - d. Surety Information Page (defendant must sign)
 - e. Conditions for Posting Bail
 - f. The Commitment Form if the Defendant will be committed

- 9.) 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.
- 10.) Retain the original signed copies of the Bail Packet Forms and deliver them to MDJ Admin within three (3) business days.
- 11.) Give the defendant a copy of the Bail Packet Forms
- 12.) 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 Packet
 - c) A copy of the Criminal Complaint and Affidavit of Probable Cause signed by the MDJ

If the officers from the law enforcement agency have any questions about the paperwork they should call the clerk at the MDJ Court for guidance.

Posting Bail by the Defendant

Posting of Bail at a law enforcement agency will be limited to credit card or debit card over the internet. If the defendant has a credit card or debit card in his/her possession he/she could post bail online at:

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

The MDJ Court can verify receipt and confirm release usually in less than two minutes. This will be true if another party posts bail on behalf of the defendant from another location. In either case, the defendant may be released upon verification from the MDJ Court, rather than being transported to the County Prison.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

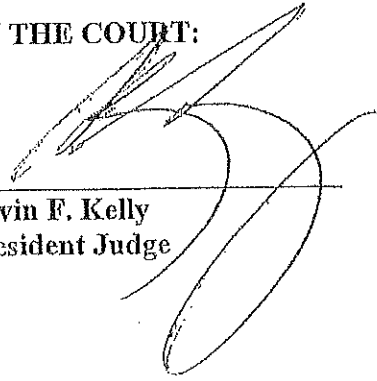
IN RE: *INTERIM* ASSIGNMENT OF : NO. MD 1545-17
CONCURRENT :
ISSUING AUTHORITY :

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

Joan E. Van Horn
First Assistant Administrator

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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).



**COUNTY OF DELAWARE
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Landlord-Tenant and Civil Matters Court Schedule – COVID-19 Emergency

Beginning Monday September 28, 2020

Court	L/T Day	Location
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32-1-20 Seaton/Nistico	Mon	Linwood
32-1-36 Griffin	Tues	Linwood
32-1-22 Davis	Wed	Linwood
32-1-21 Vann	TH	Linwood
32-2-39 Stone	Fri	Linwood
32-2-46 Goldberg	Mon	Media
32-2-38 Holefelder	Tues	Media
32-1-28 Krull	Wed	Media
32-2-49 Roberts	TH	Media
32-2-48 Strohl	Fri	Media

32-2-37 Forbes	Mon	Darby Twp.
32-2-44 Lippart	Tues	Darby Twp.
32-1-23 Grimes - Share	Wed	Darby Twp.
32-2-42 Burns - Share	Wed	Darby Twp.
32-2-40 Sandone	TH	Darby Twp.
32-1-31 Gallagher - Share	Fri	Darby Twp.
32-1-30 Turner - Share	Fri	Darby Twp.

Court	L/T Day	Location
-------	---------	----------

32-2-51 Mattox	Mon	UD
32-1-34 Radano - Share	Tues	UD
32-2-52 Micozzie-Aguirre - Share	Tues	UD
32-1-33 Karapalides	Wed	UD
32-2-47 Williams	Thur	UD
32-1-35 Berardocco	Fri	UD

32-1-24 D'Agostino - Share	Mon	N.S.
32-1-25 Burke - Share	Mon	N.S.
32-2-53 Laccianca - Share	Mon	N.S.
32-1-32 Sr. MDJ - Share	Tues	N.S.
32-2-54 Merkins - Share	Tues	N.S.
32-1-27 Lang	Wed	N.S.
32-2-43 Hunter	TH	N.S.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: *INTERIM ASSIGNMENT OF CONCURRENT* : NO. 5120-17
ISSUING AUTHORITY :

Civil Actions

ORDER

AND NOW, this 31st day of August, 2020, pursuant, *inter alia*, to Rule 605 of the Rules of Judicial Administration and Rule 112 of the Rules Governing Standards of Conduct of Magisterial District Judges, both promulgated by the Supreme Court of Pennsylvania, the following *temporary* assignment to adjudicate matters in other magisterial districts as required for the efficient administration of justice during ongoing the COVID-19 judicial emergency **SHALL** apply to and effect **ALL** magisterial districts in Delaware County (32nd judicial district) 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 authority to adjudicate **ALL** civil and landlord-tenant matters, **EFFECTIVE IMMEDIATELY**, and as otherwise allowed by this court's salient emergent declaration and attendant orders.

BY THE COURT:



Kevin F. Kelly
President Judge



**DECLARATION FOR THE
CENTERS FOR DISEASE
CONTROL AND PREVENTION'S
TEMPORARY HALT IN
EVICTIONS TO PREVENT
FURTHER SPREAD OF COVID-19**

Mag. Dist. No:
MDJ Name:
Address:
Telephone:

v.

Docket No: _____

Case Filed: _____

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a house payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

¹ "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

³ "Available housing" means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate Federal, State, or local occupancy standards and that would not result in an overall increase of housing cost to you.

- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19

Supplemental Instructions

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

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

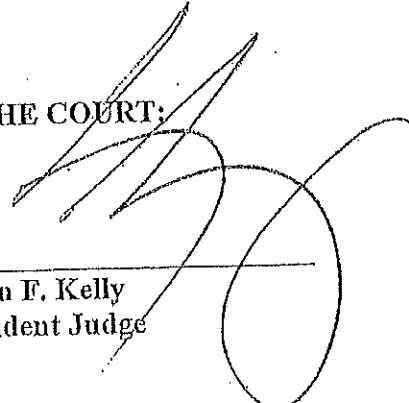
Summary Traffic and Non-Traffic Matters

ORDER

AND NOW, this 31st day of August, 2020, pursuant, *inter alia*, to Rule 605 of the Rules of Judicial Administration and Rule 112 of the Rules Governing Standards of Conduct of Magisterial District Judges, both promulgated by the Supreme Court of Pennsylvania, the following *Temporary Assignment* to adjudicate matters in other magisterial districts as required for the efficient administration of justice during the ongoing COVID-19 judicial emergency SHALL apply to and effect ALL magisterial districts in Delaware County (32nd judicial district) 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 authority to adjudicate summary traffic and non-traffic matters EFFECTIVE IMMEDIATELY, and as otherwise allowed by this court's salient emergent declaration and attendant orders.

BY THE COURT:



Kevin F. Kelly
President Judge