

IN RE: BUSINESS OF COURT

PANDEMIC ORDER RE:  
ADDITIONAL ESSENTIAL  
FUNCTIONS

FILED  
NOTARIAL  
2020 MAR 20 P 3 21  
CLERK OF COURT  
COUNTY OF COLUMBIA

IN THE COURT OF COMMON  
PLEAS FOR THE 26TH  
JUDICIAL DISTRICT,  
COLUMBIA /MONTGOMERY  
COUNTIES PENNSYLVANIA

**ORDER**

**AND, NOW,** this 20<sup>th</sup> day of March 2020:

**Whereas,** the court having declared a judicial emergency in the Twenty-Sixth (26<sup>th</sup>) Judicial District effective March 16, 2020; and

**Whereas,** the Pennsylvania Supreme Court issued a Statewide Judicial Emergency effective March 18, 2020; and

**Whereas,** the Supreme Court's March 18, 2020, order listed guidelines and examples for "essential Functions" in the Courts Of Common Pleas and the Magisterial District Courts;

**Whereas,** the Supreme Court order states that an "essential function" includes "[a]ny other function deemed by a President Judge to be essential consistent with constitutional requirements" on for District Judges "limitations".

**Therefore,** in accordance with the Supreme Court Order regarding essential functions, the court **ORDERS THE FOLLOWING ADDITIONAL SPECIFIC DIRECTIVE AS TO WHAT CONSTITUTES "ESSENTIAL FUNCTIONS":**

## Courts of Common Pleas

The Pennsylvania Supreme Court's Order states that "[t]his Court's best guidance is that essential functions include":

- a. Emergency bail review and habeas corpus hearings;
- b. Gagnon I hearings;
- c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- d. Juvenile delinquency detention,
- e. Juvenile emergency shelter and detention hearings;
- f. Temporary protection from abuse hearings;
- g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. Emergency petitions for guardianship;  
Civil mental health reviews, see 50 P.S. §7302;
- j. Emergency equity civil matters (injunctions and stays);
- k. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm; and
- l. Any other function deemed by a President Judge to be essential consistent with constitutional requirements.

**The Court of the 26<sup>th</sup> Judicial District also deems the following to be essential functions:**

1. Older adult cases for which safety is an issue.
2. Contempt of court cases where the individual judge finds compelling reasons for essential functions.
3. All children and Youth cases where the individual judge finds compelling reasons for essential functions.
4. Any other cases where the individual judge finds compelling reasons for essential functions, e.g., cases where timeliness is essential or an emergency must be addressed.

**Magisterial District Courts**

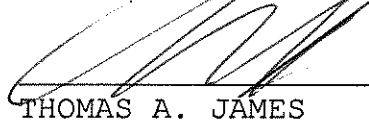
The Pennsylvania Supreme Court's Order states that "[t]his Court's best guidance is that essential functions include":

- a. Preliminary arraignments (bail setting) forailable cases;
- b. Criminal case filings and subsequent processing;
- c. Preliminary hearings for incarcerated persons only;
- d. Issuance of search warrants;
- e. Emergency protection from abuse petitions; and
- f. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

**The Court of the 26th Judicial District also deems the following to be essential functions:** Any other cases where the individual judge finds compelling reasons for essential functions, e.g., cases where timeliness is essential or an emergency must be addressed.

**NOTE: The paramount concern is safety. All proceedings should be conducted via videoconferencing or teleconferencing, unless there is a compelling reason otherwise. In all cases, social distancing good hygiene shall be strictly followed.**

BY THE COURT:



P.J.

THOMAS A. JAMES