

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

IN RE: OPERATION OF FAMILY : Emergency Order No. 2020-11
DIVISION DURING : 43 MM 2020
JUDICIAL EMERGENCY :

AND now, this ^{8th} day of April, 2020, pursuant to the Second Amended Supplemental Order of the Supreme Court of Pennsylvania dated April 1, 2020, and pursuant to Emergency Order No. 2020-10 entered by this Court on April 2, 2020, it is hereby ordered as follows:

The Family Division of the Bucks County Court of Common Pleas will continue limited operations during the declared Judicial Emergency that currently extends through May 15, 2020. Set forth below are the general standards that will apply during this emergency period.

Hereinafter, wherever a proceeding is indicated to be conducted by telephone or other alternate means, the Family Master's Office or Domestic Relations Office, as applicable, shall attempt to obtain the consent of the involved parties to proceeding via telephone or other alternate means. Such consent is preferred to be in written form, however, the appropriate Office, Judge or officer presiding over the proceeding may obtain such consent orally at any time prior to commencement of the proceeding. Refusal of a party to consent to proceeding by telephone or other alternate means shall be considered by the judge or presiding officer, who may elect to proceed in her or his discretion.

A. Essential operations

1. Protection from Abuse (PFA) proceedings, including emergency applications, will continue subject to the following modifications:

a. In any case where a hearing is scheduled, agreements for continuances, for continued orders or similar matters may be submitted by the attorney for one of the parties without the physical presence of the other attorney and parties, provided that the other attorney and parties are available by telephone.

b. The Court will be implementing measures to comply with social distancing protocols. While waiting to have their cases called, litigants will not be seated in the courtroom, but instead will utilize the hallways to maintain an appropriate social distance from others. Hand sanitizer will be available in each courtroom.

c. Persons presenting emergency (ex parte) petitions for relief are directed to refrain from bringing any unnecessary people, especially children, with them to the hearing.

2. The Domestic Relations Section will continue to operate to ensure that support matters are processed, and appropriate enforcement actions are maintained. All parties subject to a Support Order are required to continue to make the required payments. All payments are to be made through the PACSES system. In person payments at the Domestic Relations Office will not be accepted during the emergency period. Domestic Relations proceedings will be modified as follows:

a. All conferences that are not continued will be conducted by telephone. All parties and attorneys shall be available for a telephone conference call from the Domestic Relations Office at the scheduled conference time. Any documents that are required to be submitted at a conference must be submitted at least forty-eight hours in advance. Specific instructions on how to submit the documents are posted on the Domestic Relations Section webpage or are available by emailing the Domestic Relations Office at CSBucks@PACSES.com.

b. Except in situations that the Court determines are emergencies, all hearings for new cases, modifications and special listings will be continued to dates after the end of the emergency period. Notice of the continuance and new date will be sent by the Domestic Relations Office.

c. Contempt hearings will remain scheduled as needed. Any party notified of a contempt hearing is required to be physically present. They may be excused from attending the hearing **IF** at least forty-eight hours prior to the date of the scheduled hearing the full amount of any past due payments has been made **AND** are posted on the PACSES system.

3. Any custody conferences that are not continued will be conducted by telephone. All parties and attorneys shall place a telephone conference call to the Family Master's Office at the scheduled conference time. The telephone number to use is 215-340-8821. Any documents that are required to be submitted at a conference must be submitted at least forty-eight hours in advance. Submissions may be made via fax to 215-348-6792.

4. Emergencies for other Family Court matters will be handled on a case by case basis. Any emergency filing will be forwarded by the Prothonotary's Office to the Family Master's Office. After the filing is initially reviewed by the Family Master on duty, it will be reviewed by the on-duty Family Court Judge. That judge will determine the manner in which the filing will proceed, which may include conducting a telephone conference, scheduling an emergency hearing or otherwise disposing of the matter.

B. Non-essential operations

1. Except for the essential operations set forth above, all Family Court matters previously scheduled for a hearing during the emergency period are continued. The Domestic Relations Office shall notify parties and attorneys of support related matters that are continued and will provide notification of new dates when scheduled. Attorneys and unrepresented parties in cases scheduled before a particular Family Court Judge will be notified by the assigned Judge's staff of the continuance. Where at least one party is represented by an attorney, the attorneys will be responsible for filing a Motion for a new hearing date and one will be scheduled by further Order in due course. In cases where there are no attorneys, the Family Master's Office will arrange for new hearing dates to be scheduled and new scheduling orders will be sent in due course. The attorneys and any unrepresented parties for conferences or other matters scheduled in the Family Master's Office that are continued will receive appropriate notice from the Family Master's Office.

2. Family Court matters scheduled for a conference with a Judge shall be held by telephone and not in person. All attorneys involved in such conferences shall provide via email to the Judge's assistant the telephone number to be used to contact them for the telephone conference. The clients shall not participate directly in the telephone conference with the Judge, but each attorney is required to have his/her client available by telephone during the conference so that any input or decision needed from the client can be immediately obtained.

3. All attorneys involved in cases with hearings that are continued for this period are on notice that the Judge involved may elect to conduct a telephone conference with counsel instead of the hearing. In that event, counsel will be notified in advance. Such conferences may be held on the day of the hearing or if elected by the Judge on a different date. All counsel impacted by this provision shall follow the instructions in the immediately preceding section 2 in the event a conference is to be held.

4. Family Court Judges may in appropriate circumstances schedule hearings or conferences on the record in any case where one or more of the parties is pro se or self-represented, provided that appropriate arrangements are made in advance through Court Administration and/or the Chief Court Reporter.

C. Custody Orders Previously entered

1. Custody Orders previously entered shall remain in effect unless modified by a further Order of the Court or by agreement of the parties. However, all such Orders are hereby supplemented by the provisions of items 2, 3, 4 and 5 below. All of these provisions shall remain in place and be followed until the Governor of Pennsylvania rescinds or allows to expire any "Stay at Home" order covering Bucks County AND any other county in which any party subject to the custody order resides.

2. All parties to such Orders shall (a) adhere to CDC recommended protocols for COVID-19 (such as washing hands before touching a child, cleaning surfaces the child may contact with Lysol or other appropriate disinfectant, social distancing, etc.); (b) practice social isolation in their homes; and (c) refrain from taking any child to a public place.

3. All parties shall immediately report to the other party if any person in their household becomes infected with COVID-19, has any other respiratory infection (such as a cold, the flu or pneumonia) or is showing any of the signs of being infected with COVID-19. In the event any of those conditions arises:

- a. If the party giving such notice ("reporting party") does not have custody of a child subject to an order of custody at the time of the report, the physical custodial rights of the reporting party shall be presumptively suspended and the subject child or children shall remain with the other party to the custody order ("non-reporting party") until the infection or condition has resolved.
- b. If the reporting party has custody of a child subject to an order of custody at the time of the report, then the physical custody rights of the non-reporting party shall be presumptively suspended and the subject child or children shall remain with the reporting party until the infection or condition has resolved.
- c. Any party whose physical custodial rights are presumptively suspended shall instead have the right to have daily contact

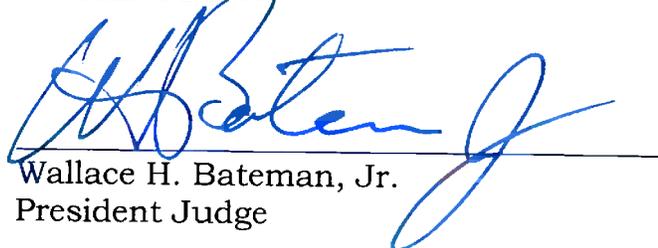
with the subject child or children involved through any electronic means they have available, including telephone, skype, facetime or other such means. The electronic contact shall be liberally allowed in such a way to maximize the contact with the child or children without unnecessarily interfering with the lives of the custodial party. Such electronic contact shall be private and without interference of the custodial party.

- d. Should a reporting party having custody of a subject child or children be unable to maintain custody due to a conflict between the need for in-person supervision of a young child or children and the reporting party's essential employment obligations, the parties shall arrange exchange of the subject child or children in as timely a manner as practicable, after which the reporting party's custodial rights will be suspended until the infection or condition has resolved, and the non-reporting party receiving the child or children shall take appropriate isolation or quarantine measures regarding the subject child or children.
- e. Any party whose physical custody rights are presumptively suspended by this order has the right to file an immediate emergency petition to have such rights reinstated if they believe the notice was given in bad faith.

4. Any party who fails to give the notice required in the preceding paragraph 3, and any party who gives such a notice without just cause shall be subject to being held in contempt of court. If found in contempt they shall be subject to all permissible penalties including but not limited to being fined, imprisoned, ordered to pay penalties and/or attorneys' fees, or having their custodial rights modified or suspended.

5. Any provision of an existing Order that provides for a custodial exchange taking place at a public place is hereby amended to require that such exchanges take place in the parking lot of the public place as opposed to inside the place.

BY THE COURT:



Wallace H. Bateman, Jr.
President Judge