

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
SECOND JUDICIAL DISTRICT

IN RE: MODIFIED COURT
OPERATIONS REGARDING
COVID-19 MITIGATION EFFORTS

No. A.D. 38-2021
Supreme Court Docket No. 44 MM 2020

CLERK OF COURTS
2021 SEP 14 11:10:30
LANCASTER COUNTY, PA

ADMINISTRATIVE ORDER

AND NOW, this 14th day of September, 2021, pursuant to recent CDC guidance,¹ and Pennsylvania Rule of Judicial Administration 1952, in order to balance the public's compelling interest in securing access to judicial services and the mandate of Rule 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public," it is hereby ORDERED as follows:

1. Continuing through October 15, 2021, all persons, including court employees under the supervision and authority of the President Judge, irrespective of COVID-19 vaccination status, who enter any court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration and Bail Administration and Pretrial Services, the offices of Domestic Relations, Adult Probation and Pretrial Services, Juvenile Probation, Court Reporters, Law Library, Court Self Help Center and any Court department sponsored events regardless of location, shall wear a mask or appropriate face covering in all courtrooms, public hallways, lobbies, stairways, elevators, and common areas accessible to the public.

2. Those persons who cannot medically tolerate a face covering (including children under the age of two) are exempted from this Order. For court participants such as judges, witnesses, interpreters, Court staff, and attorneys, the removal of masks for purposes of communication will be at the discretion of the presiding judge.

¹ On July 27, 2021, the U.S. Centers for Disease Control and Prevention (CDC) issued new guidance based on increasing concern related to potential spread and impact of the B.1.617.2 (Delta) variant. This guidance recommends that both vaccinated and unvaccinated individuals wear face coverings in public indoor settings in areas identified as having "substantial" or "high" community transmission. As of September 13, 2021, the County of Lancaster continues to be identified as an area of "high" community transmission based on current data for the CDC. See <https://covid.cdc.gov/covid-data-tracker/#county-view>.

3. This mask mandate for everyone, regardless of vaccination status, is necessary as an extra precautionary measure for all court personnel, court users and the public. See footnote 1.

4. This Administrative Order applies only to those courts, departments, offices, and public common areas of the Lancaster County Courthouse under the jurisdiction of the President Judge and does not apply to the individual Row Offices in the courthouse which are under the independent control of the officials overseeing those court-related offices. All Row Officers retain the authority to implement any mask policy that they believe is necessary and appropriate to properly manage their individual offices.

5. This Court will continue to operate at full capacity, but social distancing is encouraged.

6. At the discretion of the presiding judge or hearing officer, advanced communication technology shall continue to be utilized where practical in all civil proceedings.

7. The Court of Common Pleas and the District Judges are also encouraged to favor advanced communication technology for criminal proceedings where it is appropriate and consistent with due process, through October 1, 2021.² Judges shall be present in the courthouse, or other court facility whenever a proceeding is being conducted by advanced communication technology, except for extraordinary circumstances, such as when court properties are closed due to an emergency under Pa.R.J.A. Nos. 1950-1954, or when a proceeding is not being conducted during normal business hours.

8. All criminal court continuances will be evaluated by the presiding judge on a case-by-case basis. Any postponement resulting from the COVID-19 pandemic shall be considered a court delay and shall constitute excludable time for purposes of the application of Pa.R.Crim.P. 600. See Pa.R.Crim.P. 600(C)(1); Pa.R.Crim.P. 600 cmt.

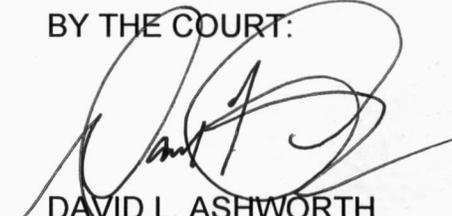
9. Detailed protocols for the handling of matters in each division of the Court of Common Pleas will be provided on the Court's website: <https://court.co.lancaster.pa.us/>.

² See Supreme Court Order of August 23, 2021, at No. 44 MM 2020, authorizing the suspension of state or local rules that restrict the use of advanced communication technology in Lancaster County court proceedings through October 1, 2021.

10. The Court will continue to closely monitor new information regarding the Delta variant and COVID-19 trends and will amend this Order as appropriate.

11. This Order shall remain in effect through October 15, 2021, or until further order of this Court.

BY THE COURT:



DAVID L. ASHWORTH
PRESIDENT JUDGE

ATTEST:



Rhonda F. All
Acting Clerk of Courts

Copies to:

- Lancaster County Board of Judges
- Lancaster County Magisterial District Judges
- Lancaster County District Court Administrator
- Lancaster County Adult Probation & Parole Services
- Lancaster County Children and Youth Social Service Agency
- Lancaster County Clerk of Courts
- Lancaster County Clerk of the Orphans' Court
- Lancaster County District Attorney
- Lancaster County Domestic Relations
- Lancaster County Juvenile Probation
- Lancaster County Law Library
- Lancaster County Office of Official Court Reporter
- Lancaster County Prison
- Lancaster County Prothonotary
- Lancaster County Public Defender
- Lancaster County Register of Wills
- Lancaster County Sheriff
- Lancaster County Board of Commissioners
- Lancaster County Solicitor
- Lancaster County Administrator & Chief Clerk
- Lancaster County Municipal Police Departments
- Pennsylvania State Police