

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

IN RE: EXTENSION OF  
JUDICIAL EMERGENCY  
THROUGH AUGUST 31, 2021

No. A.D. 25-2021  
Supreme Court Docket No. 44 MM 2020

ADMINISTRATIVE ORDER

AND NOW, this 26<sup>th</sup> day of May, 2021, upon consideration of the Pennsylvania Supreme Court's May 27, 2020 Order specifically empowering President Judges to continue local declarations of emergency, and consistent with this Court's previous Orders, it is hereby DECLARED that the Judicial Emergency in the Second Judicial District resulting from the COVID-19 pandemic is extended through **August 31, 2021**, with modifications as the Court is balancing the need to take measures to reduce the spread of COVID-19 with its commitment to conduct the important work of the Courts.

It is therefore ORDERED as follows:

1. Due to the widespread availability of the COVID-19 vaccine and the recent revisions to guidance from the United States Centers for Disease Control and Prevention (CDC) regarding people who are fully vaccinated,<sup>1</sup> changes will be made to the face covering requirements in Court facilities. Pursuant to CDC and Pennsylvania Department of Health (DOH) guidelines, the wearing of masks or face coverings for fully vaccinated people entering

<sup>1</sup>Pursuant to CDC guidance issued on May 13, 2021, an individual is fully vaccinated two weeks after the individual's second dose in a two-dose series of the Pfizer-BioNTech or Moderna COVID-19 vaccine, or two weeks after a single-dose of the Johnson and Johnson (J&J/Janssen) COVID-19 vaccine. See *When You've Been Fully Vaccinated*, CDC (May 13, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html#vaccinated> (discussing new guidance).

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court-controlled areas is optional, and thus mask and face covering requirements in previous Administrative Orders do not apply to fully vaccinated people. No proof of vaccination will be required, and the Court will rely on all persons to accurately follow the CDC and DOH guidelines and this Administrative Order based on their vaccination status.

2. Pursuant to the CDC and DOH guidelines, except as provided in paragraph 3 below, all Court employees who are not fully vaccinated against COVID-19 and are under the supervision and authority of the President Judge, and all individuals who are not fully vaccinated against COVID-19 who enter any courtroom or Court facility under the supervision and authority of the President Judge, including all Magisterial District Courts and Court departments, shall wear a mask which covers the mouth and nose, irrespective of physical distance from other individuals.<sup>2</sup>

3. The Order of the Secretary of the Pennsylvania Department of Health requires all individuals who are not fully vaccinated against COVID-19, age two or older, to wear a face covering when indoors or in an enclosed space, where another person or persons who are not members of the individual's household are present in the same space, irrespective of physical distance.<sup>3</sup> The Order provides no exceptions for government buildings, including courthouses

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<sup>2</sup> On March 16, 2021, Pennsylvania adopted CDC guidance allowing individuals who are fully vaccinated against COVID-19 to forego wearing masks, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance. See Secretary of the Department of Health, Order of the Acting Secretary of the Pennsylvania Department of Health Amending the November 17, 2020 Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings, Mar. 16, 2021.

<sup>3</sup> Pursuant to the November 17, 2020 Order of the Secretary of the Pennsylvania Department of Health, the only applicable exception to this requirement for court employees who are not fully vaccinated against COVID-19 is if an employee is "working alone." Under the Order, a person is "working alone" if he or she is isolated from interaction with other people with little or no exception of in-person interruption. This includes: (a) "a person alone inside an office with four walls and a door"; and (b) "a person alone inside a cubicle with three walls and a door or entryway, with walls high enough to block the breathing zone of all people walking by, and whose activity will not require anyone to come inside

and courtrooms. The masks shall be made and worn in accordance with CDC guidelines at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

Notwithstanding the foregoing, masks shall not be required for individuals who cannot wear a mask due to a medical condition (including children under the age of two).

4. If not fully vaccinated against COVID-19, the following individuals are prohibited from entering any courtroom or Court facility under the supervision and authority of the President Judge, including all Magisterial District Courts and Court departments: (a) those who have been directed to quarantine, isolate or self-monitor at home for the coronavirus by any doctor, hospital or health agency; (b) those who have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; (c) those who have flu-like symptoms; and (d) those who are not wearing a mask in accordance with paragraphs 2 and 3 above.

5. All Court facilities within the Second Judicial District shall be immediately accessible without restrictions, with the exception of the Law Library which shall remain accessible by appointment only for members of the public, and provided all persons entering a Court facility within the Second Judicial District shall be required to always wear protective face masks or appropriate face coverings in public settings if not fully vaccinated according to paragraph 1 above, to maintain appropriate social distancing, and to strictly comply with all safety directives provided by the Court or County staff.

6. There will be no limits on the number of persons admitted to Court Facilities within the Second Judicial District. However, to the extent possible, persons who are not litigants or witnesses, or are simply accompanying a litigant, are asked to forego entering a

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the cubicle.” Secretary of the Pennsylvania Department of Health, Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings, Nov. 17, 2020.

Court facility to help minimize the number of persons within each facility. The presiding judge has the discretion to limit the number of persons attending an in-person proceeding.

7. The location and operation of all Court staff under the supervision and authority of the President Judge shall operate at the direction of each Department head as approved by the President Judge.

8. From the date of this Order through August 31, 2021, all Statewide rules that restrict, directly or indirectly, the use of advanced communication technology continue to be suspended. The Court of Common Pleas and the Magisterial District Courts in the Second Judicial District shall resume conducting proceedings in-person, unless the presiding judge, in his or her discretion, directs otherwise or a motion, with the concurrence of the parties, is filed requesting that the proceeding be conducted remotely using advanced communication technology and is granted by the presiding judge. This includes not only all preliminary hearings and other civil and criminal matters before the Magisterial District Courts, but also all criminal, civil, and miscellaneous matters before the Court of Common Pleas, as well as divorce, custody, and support conferences/ hearings before the Masters and Conference Officers of this Court. In-person proceedings shall be conducted in a manner that employs all safety measures consistent with the CDC and the DOH guidelines.

9. Statewide rules pertaining to the rule-based right of criminal defendants to a prompt trial are no longer suspended as of July 1, 2021. There will be no further Judicial Emergency postponements constituting excludable time for purposes of the application of Pa.R.Crim.P. No. 600 after June 30, 2021.

10. All filings are permitted to be filed electronically, and all Statewide rules impeding court filings by means other than in-person delivery continue to be suspended.

11. Court users and the public are encouraged to conduct any business they have in the Courthouse by telephone, mail, email, or other advanced communication technology whenever possible.

12. The Sheriff of Lancaster County, his deputies, and any other sworn law enforcement officers, including Constables and their deputies, assigned to the Courthouse and any Court facility, are no longer required to do temperature screenings of those persons entering a Court facility but remain authorized to deny admission to or to remove any person who is visibly ill or who is exhibiting symptoms of COVID-19, provided they provide such person with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary Court business/functions during this Judicial Emergency.

13. To ensure a safe and healthy workplace and the protection of the public, other safety protocols will be maintained, including, social distancing in public areas of all Court facilities, and strict cleaning and sanitizing of all such areas.

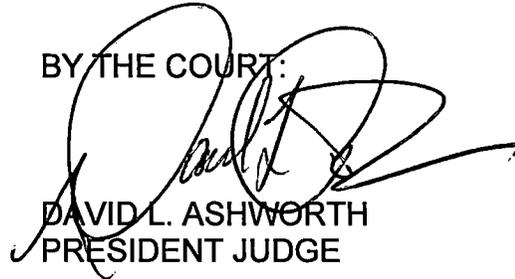
14. This Administrative Order applies only to those Courts, departments, offices and public hallways, lobbies, stairways, and common areas of the Lancaster County Courthouse under the jurisdiction of the President Judge and does not apply to the individual Row Offices in the Courthouse which are under the independent control of the officials overseeing those Court-related offices.

16. The purpose of this Administrative Order is to re-open the Court system in a safe, efficient manner while adhering to CDC and DOH guidelines to protect all Court personnel, Court users and the public.

17. This Administrative Order shall be effective immediately and shall remain in effect through August 31, 2021, or until further order of this Court.

18. This Court's prior Administrative Orders, not inconsistent with this Order, shall be in full force and effect, and detailed protocols for the handling of matters in each Court division and department will be provided on the Court's website at <https://court.co.lancaster.pa.us/>.

BY THE COURT:



DAVID L. ASHWORTH  
PRESIDENT JUDGE

ATTEST:



Donna Flora, deputy

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 Municipal Police Departments
- Pennsylvania State Police