

IN RE: MODIFICATIONS TO	:	IN THE COURT OF COMMON PLEAS
DEPENDENCY COURT	:	OF BERKS COUNTY PENNSYLVANIA
PROCEDURES DURING THE	:	
COVID-19 JUDICIAL EMERGENCY	:	JUVENILE DIVISION
DECLARED ON MARCH 17, 2020	:	
FOR THE BERKS COUNTY	:	NO. 20-3264
COURT OF COMMON PLEAS	:	CP-06-AD-17-2020
23 <sup>RD</sup> JUDICIAL DISTRICT	:	SUPREME COURT NO. 53 MM 2020

**ADMINISTRATIVE ORDER FOR DEPENDENCY COURT**  
**EFFECTIVE MARCH 30, 2020**

AND NOW, this 27<sup>th</sup> day of March, 2020, it is hereby ORDERED and DECREED that, effective as of March 30, 2020, this Administrative Order for Dependency Court shall supersede and replace the Administrative Order of March 19, 2020 regarding dependency matters, and further, that, subject to the discretion of the assigned Judge to proceed otherwise, the following procedures shall apply in dependency matters during the Judicial Emergency for the Court of Common Pleas of Berks County declared on March 17, 2020.

**I. General Provisions-Hearings and Motions**

A. All hearings scheduled as of the effective date of this Administrative Order and scheduled thereafter during the Judicial Emergency shall be conducted when scheduled, unless continued by agreement of all parties through Court Order.

B. Participation in hearings via telephone, video conferencing or other electronic video or audio means of telecommunication is permitted and encouraged for all attendees.

C. Parents who are incarcerated shall not participate in any hearing. They shall be appointed counsel, who will attend hearings on their behalf and communicate with the incarcerated parent prior to and/or after the proceeding.

**II. General Provisions-Children**

A. The Guardians ad Litem shall use electronic, telephonic, video, audio, photographic, and whatever other means are available to assess the safety of the Child.

B. Except as provided in Section III hereof regarding Shelter Care hearings, the Child shall not be present at any hearing.

### **III. Shelter Care Hearings**

A.. The Child shall be present at the Shelter Care Hearing unless under the age of 3 and/or medically fragile. The agency shall provide video conferencing for any child excused from the Shelter Hearing due to age or medical condition.

B. Parents shall be present at the Shelter Care Hearing unless incarcerated.

C. The Child's Guardian ad Litem shall be present at the Shelter Care Hearing.

D. All other attendees may participate by telephone or other electronic means.

### **IV. Adjudicatory and Dispositional Hearings**

A. Except as provided in Section I.C. hereof, unless the Child is adjudicated dependent by agreement of the parties, the Child's parents shall be present in the courtroom. In the alternative, if the attorney has the electronic capabilities, the Child's parents may participate in the hearing from the office of their attorney by electronic video conferencing or other means of electronic visual telecommunication.

B. Parent attorneys, any attorney for the Child, BCCYS caseworkers and supervisors, BCCYS Solicitor, and the Guardian ad Litem, are encouraged to participate by telephone, video conferencing, or other electronic means of video or electronic telecommunication.

C. The Child shall not be present.

D. Providers may and are encouraged to participate by electronic means of telecommunication if their testimony is required. All reports relating to the adjudication and disposition shall be provided to the parties and the Court in advance of the hearing whenever possible.

### **V. Permanency Review Hearings/Safety Status Hearings**

A. Permanency Review Hearings shall not be held during the period of the Judicial Emergency.

B. Safety Status Hearings shall be held in lieu of scheduled Permanency Review Hearings during the period of the Judicial Emergency.

C. Safety Status Hearings will be brief and shall be limited to the following issues: (1) the safety of the Child; and (2) electronic communication between parent and child/ren.

D. Counsel for the parents, the Child's Guardian Litem, any attorney for the Child, and the BCCYS Solicitor shall be the only individuals participating in the Safety Status Hearing. All individuals are encouraged to participate by any electronic telecommunication means.

E.. At the conclusion of the Safety Status Hearing, an Order will be entered which includes the date and the time for the next Permanency Review Hearing and allows for any party to request an additional rehearing at the termination of the Judicial Emergency.

#### **VI. In Home Review Hearings**

A. In Home Review Hearings shall not be held.

B. In Home Safety Status Hearings shall be held and scheduled in lieu of In Home Review Hearings during the Judicial Emergency.

C. Safety Status Hearings will be brief and shall be limited issues of safety of the Child.

D. Counsel for the parents, the Child's Guardian ad Litem, any attorney for the Child, and the BCCYS Solicitor shall be the only individuals participating in the Safety Status Hearing. All individuals are encouraged to participate by telephone or any other electronic telecommunications means..

#### **VII. Status Conferences**

A. Status Conferences shall be scheduled and shall be heard as scheduled, subject to Section I.A.

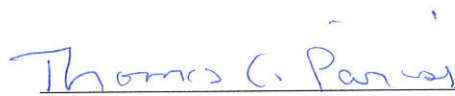
B. Counsel for the parents, the Child's Guardian ad Litem, any attorney for the Child, and the BCCYS Solicitor shall participate in the Status Conference. All participants are encouraged to utilize telephone or other electronic telecommunications means.

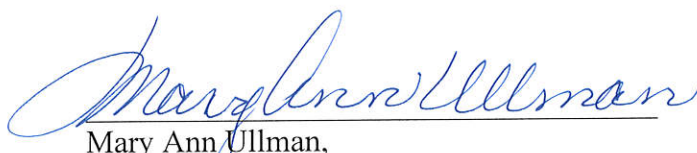
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**VIII. Expiration of Order**

A. This Administrative Order shall remain in effect as long as and in coordination with the Emergency Judicial Order No. 20-3264, Berks County Court of Common Pleas, dated March 17, 2020 (currently providing for expiration on April 14, 2020), and any extensions thereof.

BY THE COURT:

  
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Thomas G. Parisi, President Judge

  
\_\_\_\_\_  
Mary Ann Ullman,  
Administrative Judge of Dependency Court

cc:

Honorable Jeffrey Sprecher  
Honorable J. Benjamin Nevius  
Hearing Officers  
Guardians ad Litem  
Contracted Parent Attorneys  
BCCYS