

**MONTGOMERY COUNTY COURT OF COMMON PLEAS
FAMILY DIVISION**

**PROTOCOL FOR VIRTUAL COURT HEARINGS, IN-PERSON HEARINGS AND
VIDEO OR TELEPHONE CONFERENCES**

1. Beginning June 1, 2020 and continuing until further notice, certain Montgomery County Family Division proceedings (as specified below) will be conducted as Virtual Court Hearings and virtual or telephone conferences.
2. If a Virtual Court Hearing is ordered, all parties and counsel shall be familiar with and shall comply with the Montgomery County Court of Common Pleas Protocol for Virtual Court Hearings, posted on the Court's website.
3. All Virtual Court Hearings or conferences shall be scheduled by Order issued by a Family Court Triage Judge and shall be conducted using the Zoom video meeting platform for video and audio.
4. In the case of a Virtual Court Hearing, notice of the hearing date and time, including both the Court Order and the Zoom invitation, shall be provided to all counsel of record and all unrepresented parties by delivery to their email address of record before the scheduled hearing. Counsel or self-represented parties shall be responsible for providing a copy of the notice, including the Court Order, Protocol for Virtual Court Hearing and Zoom invitation, to all witnesses and parties.
5. All Virtual Court Hearings will be conducted on the record. The Court Reporter shall be present remotely. A transcript of the proceeding will be available from the Court Administrator's office.
6. Parties, witnesses and counsel shall be expected to join the waiting room for the Virtual Court Hearing at least 15 minutes before the Virtual Court Hearing is scheduled to begin.
7. **Exhibits:** All proposed exhibits to be introduced or referred to at the Virtual Court Hearing must be submitted to the Court at least 5 business days prior to the scheduled Virtual Court Hearing. Exhibits shall be submitted to the Court, by email addressed to the Virtual Courtroom email address for the assigned Judge, for example JudgeCarluccioVirtualCourtroom@montcopa.org Counsel must also send copies by email to opposing counsel and parties.

8. All parties participating in hearings conducted in-person at the Montgomery County Courthouse (including but not limited to Emergency Hearings, Temporary PFA Hearings, Final PFA Hearings and ICC hearings) shall be required to comply with all requirements of the 38th Judicial District – Montgomery County Safety Protocol, including wearing protective masks throughout the Courthouse including in common areas and in courtrooms, unless asked to remove a mask, in the discretion of the Judge during testimony. Appropriate social distancing will be required at all times.
9. A Triage Judge or Judge anticipating a conference or hearing to be conducted in-person at the Courthouse may require advance submission of exhibits in accordance with paragraph 7.
10. **EMERGENCIES.** All temporary PFA petitions and Emergency Family Petitions will be referred to an Emergency Judge.
 - a. Temporary PFA petitions will be heard in a Courtroom with the applicant participating by a video connection from elsewhere in the Courthouse. Such hearings are **not** subject to the Protocol for Virtual Court Hearings or to paragraphs 2 through 7 above.
 - b. Emergency Family petitions will be handled by the Emergency Judge, on the papers or through a telephone conference call. The Judge will attempt to dispose of the matter without further scheduling. If not resolved, the matter will be scheduled for further proceedings in due course.
11. **NON-EMERGENCY PETITIONS.**
 - a. Non-emergency petitions in custody, special relief, or contempt (either divorce-related or custody-related), and those previously scheduled for a protracted hearing, where both parties are represented by counsel, will be scheduled for a virtual conference before a Triage Judge. Attorneys must ensure that their clients participate in the virtual conference. Attorneys and pro se individuals must further assure that while participating in the virtual conference any children subject to the litigation are not within hearing distance of the parties. Petitions where either or both parties are unrepresented may be scheduled for telephone conferences before a Triage Judge if a virtual conference is not feasible. Conferences before the Triage Judge will not be held on the record, except as may be necessary to memorialize an agreement.
 - b. If an agreement is reached, it will be memorialized by order on that day. If an agreement is not reached during the conference, the Triage Judge will enter an

Order scheduling the matter for a hearing before a Hearing Judge. Attorneys participating in a conference **must** be familiar with their clients' calendars for scheduling purposes. Hearings will be conducted either virtually or in-person at the Courthouse, at the discretion of the Triage Judge. Any objection to an in-person hearing must be raised during the conference and the Triage Judge will rule immediately on that request.

- c. The Court will not postpone a hearing, once scheduled, except for an unforeseen emergency. Any request for a continuance must be submitted to the Triage Judge, not the Hearing Judge.
- d. If a matter is settled or resolved after the conference and before the scheduled hearing, counsel or the parties must **immediately** notify the Triage Judge.

12. **HEARINGS**

- a. Hearings will be conducted as Virtual Court Hearings, subject to the Virtual Court Hearing Protocol and paragraphs 2 – 7 above, or in person, at the discretion of the triage judge.
- b. If the Judge deems necessary, a child may be interviewed remotely.
- c. All parties must assure that the child being interviewed is given a private area, free of anyone listening, assuring their complete privacy, not being monitored or overheard.

13. **CUSTODY CONCILIATION.**

- a. Conciliation shall be waived for all cases pending, which were filed prior to June 1, 2020.
- b. For petitions filed on or after June 1, 2020, custody conciliations will be conducted by telephone conference. The parties scheduled for conciliation will be responsible for putting contact phone numbers and emails on the cover sheet for themselves, the opposing party, and any attorneys involved. Attorneys must have their clients available to join by telephone, if needed.

14. **CHILDREN COME FIRST.** Parent education classes will be available electronically beginning June 1, 2020. Details will be announced shortly.

15. **MEDIATION.** Mediations will be waived for cases pending prior to June 1, 2020. Mediation will be required for all cases filed on or after June 1, 2020. The mediation will be conducted by telephone or, at the mediator's option, by informal video

conference that shall not be subject to the Protocol for Virtual Court Hearings or to paragraphs 2 through 7 above.

16. **SUPPORT EXCEPTIONS.** Exceptions to decisions of support masters will be scheduled for arguments via virtual conferencing on the zoom app. The arguments are non-record arguments and all briefing shall be provided as per the rule.

17. **PFA FINAL HEARINGS**

- a. Final hearings on PFA petitions will be scheduled by Court Administration, to be conducted in-person in a Courtroom.
- b. All safety precautions as outlined in the 38th Judicial District - Montgomery County Safety Protocol will be adhered to strictly, including wearing protective masks at all times unless asked to remove a mask, in the discretion of the Judge during testimony. Appropriate social distancing will be required at all times.
- c. To limit the number of people in the Courthouse, volunteers from the Montgomery County Women's Center ("Court Advocates") may contact the parties prior to the scheduled hearing to seek an agreement. If an agreement is reached, the volunteer will send the agreed order with all applicable signatures on the final PFA form to the Judge before whom the hearing is scheduled, and the parties shall be excused from appearing.
- d. Any request to be permitted to participate in a Final PFA hearing or other hearing by video or other advanced technology, must be made in writing and filed with the Prothonotary at least five business days before the scheduled time for the hearing.
- e. If the Plaintiff fails to appear at the scheduled hearing without a valid excuse, the temporary PFA Order will be terminated. If the Defendant fails to appear without a valid excuse, the temporary Order will become final. In either case, the mere existence of the Covid-19 pandemic, without actual infection or exposure by a party, is not a valid excuse for failure to appear.
- f. Any pending or new ICC hearings will also be scheduled before the PFA Judge and conducted in-person in the Courtroom.

18. **EQUITABLE DISTRIBUTION**

- a. Equitable Distribution Hearing Officers will conduct initial conferences, discovery arguments, and settlement conferences by telephone.

- b. If a hearing is necessary, it will be conducted by a Virtual Non-Record Court Hearing, before the designated Master.

19. **SUPPORT CONFERENCES**

- a. Starting June 1, 2020, all DRO officers will be conducting remote conferences via telephone. Directions on how to navigate these conferences can be found at <https://www.montcopa.org/3517/Remote-Teleconference>
- b. To update representation information, provide new telephonic contact information, or ask general questions, send an email to attorneyliasonmontgomery@paces.com
- c. Continuances will only be granted with proof of a court conflict.

20. **OTHER**

- a. All counsel and parties must be familiar with the Court's Suggested Guidelines for Persons Subject to Montgomery County Custody Orders During COVID-19, available at the Court's website at <https://www.montcopa.org/Archive.aspx?ADID=5139>
- b. The Court reserves the right to modify the foregoing procedures when the circumstances of an individual case so require.