

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

**PHASE III OPERATIONS PROTOCOL**

1. Beginning November 2, 2020 and continuing until further notice, all Montgomery County Family Division proceedings (except for PFA matters) will now be conducted as virtual court hearings, as opposed to in-person hearings.
  
2. All parties participating in hearings conducted in-person at the Montgomery County Courthouse shall be required to comply with all requirements of the 38<sup>th</sup> 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.
  
3. **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.
  - b. Emergency Family petitions will be handled by a Family Hearing 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.
  
4. **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 virtual hearing before a Hearing Judge. Attorneys participating in a conference **must** be familiar with their clients' calendars for scheduling purposes.
- 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.

5. **HEARINGS**

- a. Parties, witnesses and counsel shall all be available remotely.
- b. If the Judge deems necessary, a child may be interviewed remotely. The custodial parent shall make certain that the child is available remotely at the time of the hearing.
- 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.

6. **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.

7. **CHILDREN COME FIRST.** The Court's parent education seminar has been made available electronically as of June 1, 2020. For more information please visit the Children Come First website at [thechildrencomefirst.com](http://thechildrencomefirst.com)

8. **MEDIATION.** Mediation is 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.
  
9. **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.
  
10. **PFA FINAL HEARINGS**
  - a. Final hearings on PFA petitions will be scheduled by Court Administration, to be conducted in-person in a Courtroom.
  - b. 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.
  - c. 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.
  - d. Any pending or new ICC hearings will also be scheduled before the PFA Judge and conducted in-person in the Courtroom.
  
11. **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.

12. **SUPPORT CONFERENCES AND ENFORCEMENT PROCEEDINGS**

- a. Starting June 1, 2020, all DRO officers will be conducting remote support conferences via telephone. These conferences may also be conducted via video conferencing in the near future.
- b. Starting July 13, 2020, DRO will begin holding DRO enforcement proceedings remotely via telephone.
- c. Directions on how to navigate these conferences can be found at <https://www.montcopa.org/3517/Remote-Teleconference>
- d. To update representation information, provide new telephonic contact information, or ask general questions, send an email to [attorneyliasonmontgomery@paces.com](mailto:attorneyliasonmontgomery@paces.com)
- e. Continuances will only be granted with proof of a court conflict.

13. **SUPPORT MASTER HEARINGS**

- a. Support Master hearings will commence as of August 3, 2020. These hearings will be conducted remotely via advanced communication technology.
- b. It is anticipated that the Zoom platform will be utilized for these hearings, although arrangements for same have not yet been finalized. This Protocol will be updated prior to August 3, 2020.

14. **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.