

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	:	
23 <sup>RD</sup> JUDICIAL DISTRICT	:	SUPREME COURT NO. 53 MM 2020

**ADMINISTRATIVE ORDER FOR DEPENDENCY COURT**  
**EFFECTIVE APRIL 6, 2020**

AND NOW, this 9<sup>th</sup> day of April, 2020, it is hereby ORDERED and DECREED that, effective April 6, 2020, this Administrative Order for Dependency Court shall supersede and replace all prior Administrative Orders 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 and extended on April 3, 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. Continuances requested by agreement for Adjudicatory Hearings or Dispositional Hearings shall be accompanied by a Case Status Memo where there's additional relevant information since the filing of the Emergency/Dependency Petition pertinent to the safety of the child during the period of the continuance. BCCYS shall provide the memo to the Guardian ad Litem and Parent Attorneys before or contemporaneously with the agreed order requesting their signature.

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

D. 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. All contact by order or regulation between children and BCCYS, the Guardian ad Litem, and related agencies shall take place through secure advanced communication technology, including without limitation, video conferencing through any available medium, telephone communication, and any other means of communication which does not entail person-to-person contact or proximity so long as safety of the child can be assessed and assured.

B. In the event safety of the child cannot be assessed and assured through advanced communication technology, nothing in this order shall be construed to limit BCCYS' ability to assess and assure safety of the child through in person contact. Moreover, if BCCYS deems in person contact necessary, BCCYS and/or a provider agency is hereby authorized to use in person contact to assess and assure the safety of the child.

## **III. Shelter Care Hearings**

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

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

A. In all contested adjudicatory and dispositional hearings, the Child's parents shall be present in the courtroom unless a secure video conference or other means of electronic video telecommunication can be arranged.

B. Counsel for the parents, the Guardian ad Litem, any attorney for the Child, the BCCYS Caseworker and Supervisor, and the BCCYS Solicitor are encouraged to participate by telephone, video conferencing, or other secure electronic means of video or electronic telecommunication.

C. The Child shall not be present.

D. Providers may and are encouraged to participate by secure 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**

A. Permanency Review Hearings held during the period of the Judicial Emergency shall be limited to the following issues: (1) the safety of the Child; (2) electronic communication between

parent and child/ren; (3) the reasonable efforts made by BCCYS; and (4) any issue the Court deems appropriate.

B. Counsel shall be appointed for all parents who do not have counsel other than parents with a history of not participating in the proceedings and have not requested to participate in the scheduled proceeding.

C. Counsel for the parents, the Guardian ad Litem, any attorney for the Child, the BCCYS Caseworker and Supervisor, the BCCYS Solicitor, and necessary providers/professionals are encouraged to participate by any secure electronic telecommunication means. Arrangements for parents' participation shall be made on a case-by-case basis.

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

A. In Home Review Hearings held during the period of the Judicial Emergency shall be limited to the following issues: (1) the safety of the Child; (2) electronic communication between parent and child/ren; (3) the reasonable efforts made by BCCYS; and (4) any issue the Court deems appropriate.

B. Counsel shall be appointed for all parents who do not have counsel other than parents with a history of not participating in the proceedings and have not requested to participate in the scheduled proceeding.

C. Counsel for the parents, the Guardian ad Litem, any attorney for the Child, the BCCYS Caseworker and Supervisor, the BCCYS Solicitor, and necessary providers/professionals are encouraged to participate by any secure electronic telecommunication means. Arrangements for parents' participation shall be made on a case-by-case basis.

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

A. Status Conferences shall be scheduled and shall be heard as scheduled unless continued by agreement and court order.


B. Continuances requested by agreement for Status Hearings shall be accompanied by a Case Status Memo. BCCYS shall provide the memo to the Guardian ad Litem and Parent Attorneys before or contemporaneously with the agreed order requesting their signature.


C. Counsel for the parents, the Guardian ad Litem, any attorney for the Child, the BCCYS Caseworker and Supervisor, and the BCCYS Solicitor shall participate in the Status Conference. All participants are encouraged to participate by any secure electronic telecommunication means.

**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 and any extensions thereof.

BY THE COURT:

  
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