

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

**PROTOCOL FOR VIRTUAL COURT HEARINGS
IN JUVENILE DEPENDENCY AND DELINQUENCY**

1. Beginning June 1, 2020 and continuing until further notice, most Montgomery County Juvenile Division Proceedings (including both dependency and delinquency) will be conducted remotely as Virtual Court Hearings. (Level II in the 38th Judicial District Safety Plan). All matters previously scheduled before or during the emergency have been CANCELLED and will be rescheduled.

All parties and counsel shall be familiar with, and shall comply with, the Montgomery County Court of Common Pleas Protocol for Virtual Court Hearings. In accordance with the May 5, 2020 Judicial Emergency Order issued by the President Judge, the Juvenile Court Facility (Courtside at 540 Port Indian Road) remains closed to the public. Juvenile proceedings will be conducted via advanced communication technology whenever possible. No proceedings shall be conducted in person at the Courthouse, unless specifically ordered by the Court.

2. All Virtual Court Hearings shall be scheduled by Order issued by the Juvenile Court and shall be conducted using the Zoom video meeting platform for video and audio. The Court shall provide notice of hearing date and time, including both the Court Order, Protocol for Virtual Court Hearing and the Zoom invitation, to all counsel of record and all self-represented parties by delivery to their email addresses. Counsel or self-represented parties shall be responsible for providing a copy of the Order, Protocol for Virtual Court Hearing and Zoom invitation to all witnesses and parties.
3. Judge or Juvenile Hearing Officer: Hearing will be conducted before either a Judge or Juvenile Court Hearing Officer, as determined by the Juvenile Court Administrative Judge.
4. All Virtual Court Hearings will be of record with a Court Reporter participating remotely. No other participant is permitted to make any other recording of the proceedings.

5. 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.

6. **DEPENDENCY HEARINGS:** The following types of Dependency Hearings may be scheduled for individual Virtual Court Hearings setting a specific date and time by Order. Orders will be sent electronically to counsel and self-represented parties:
 - a. Shelter Care Hearings
 - b. Adjudication/Disposition Hearings, including Re-disposition
 - c. Permanency Review Hearings
 - d. Unaccompanied Minor Refugee Hearings
 - e. Termination Hearings
 - f. Board Extension Hearings
 - g. Resumption of Jurisdiction Hearings
 - h. Court Observation of Dependent Child: For any Dependency matter in which the Judge or Juvenile Hearing Officer is required to see a child personally, these opportunities will be scheduled as virtual conferences on the Zoom video meeting platform by Chambers, separately from the Virtual Court Hearings.

7. **DETENTION HEARINGS:**
 - a. **Agreements:** Where the parties reach an agreement relating to the detention hearing and the terms and conditions of release, the paperwork shall be submitted to the Juvenile Court Judge via written motion submitted by the Juvenile Probation department detailing the terms of the agreement. The Court will review the Motion and enter an Order based on the papers.
 - b. **Hearings:** Where a juvenile is detained on a new petition and there is no agreement related to the Detention Hearing, Juvenile Probation Department will notify the Court. The Court will schedule and conduct a Detention Hearing via a Virtual Court Hearing.

8. **DELINQUENCY PLEA HEARINGS:** In cases where the District Attorney and Defense Counsel have reached agreements on adjudication or disposition, the Juvenile Court will schedule Juvenile Plea Days to be heard in Virtual Court Hearings. These hearings will be scheduled only for the Court to accept agreed admissions and enter agreed dispositions.
 - a. **Procedure:** The DA and Defense counsel will notify the Juvenile Probation Department when they have reached an agreement in a case.

Juvenile Probation will notify the Juvenile Court. The Court will advise Juvenile Probation of time blocks in which the Court will be available to accept the admission and enter the agreed disposition. Juvenile Probation will coordinate these times with counsel and notify the Court of availability of all necessary participants.

- b. **Scheduling:** The Court will set the date and time for the Virtual Court Hearing, will send notice of the date and time of the Zoom hearing to Juvenile Probation, which will distribute notices to counsel.
 - c. **Notice:** Counsel will be responsible for ensuring notice and the appearance of their clients, parents/guardians and any victim who wishes to provide impact testimony.
 - d. **Colloquy:** Defense counsel shall complete a written and signed colloquy with their clients in advance of the Virtual Court Hearing. The colloquy shall be submitted to the Court in advance via email to the Virtual Court email address JudgeFermanVirtualCourtroom@montcopa.org or Judge[Last Name of Judge]VirtualCourtroom@montcopa.org for another presiding judge.
9. **EXHIBITS:** All proposed exhibits and proposed Court Orders 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, with copies shared by email with opposing counsel and parties, by email addressed to the Virtual Courtroom email address, which is JudgeFermanVirtualCourtroom@montcopa.org or Judge[Last Name of Judge]VirtualCourtroom@montcopa.org.
10. **MATTERS TO BE REVIEWED ON WRITTEN FILINGS OR PAPERS**
The following types of matters will be considered by the Court based on written filings or other written submissions to the Court (Level I, 38th Judicial District – Montgomery County Safety Protocol):
- a. Juvenile Delinquency Placement Reviews
 - i. The Juvenile Probation Department will circulate reports and recommendations to all counsel for placement reviews previously scheduled or due during the month.
 - ii. The District Attorney and Defense counsel will submit their arguments and input, in writing, to the Court via email by a designated date. Counsel may, if they choose, file their responses.

- iii. The Court will consider the placement reviews on the papers and enter Orders.
- b. Juvenile Delinquency Disposition Reviews
 - i. The Juvenile Probation Department will circulate reports and recommendations to all counsel for disposition reviews previously scheduled or due during the month.
 - ii. The District Attorney and Defense counsel will submit their arguments and input, in writing, to the Court via email by a designated date. Counsel may, if they choose, file their responses.
 - iii. The Court will consider the disposition reviews on the papers and enter Orders.
- c. Agreed Dependency Permanency Reviews
 - i. The Office of Children and Youth will circulate their reports and recommendations to all counsel and self-represented parties for all permanency reviews.
 - ii. For any child whom the Court must see in person, see paragraph 6h above.
 - iii. If all counsel and self-represented parties reach an agreement, OCY shall submit a Motion detailing the terms of the agreement to the Court for consideration.
 - iv. The Court will consider the agreed permanency reviews on the papers, along with seeing the child as necessary, and enter an Order.
 - v. In cases where there is no agreement, the permanency review will proceed as a Virtual Court Hearing.