

**MONTGOMERY COUNTY COURT OF COMMON PLEAS
ORPHANS' COURT DIVISION**

PROTOCOL FOR VIRTUAL HEARINGS, BENCH TRIALS AND CONFERENCES

1. Beginning June 1, 2020 and continuing until further notice, all Montgomery County Orphans' Court Division Proceedings (including bench trials) will be conducted as Virtual Court Hearings, Virtual Conferences or Telephone conferences. Unless otherwise specified by Court order, all proceedings will be Level II (fully remote), or Level 1 (disposed of upon review of the papers) pursuant to the Judicial District 38 -- Montgomery County Safety Protocol.
2. All parties and counsel shall be familiar with and shall comply with the Montgomery County Court of Common Pleas Protocol for Virtual Court Hearings and shall provide all exhibits at least 5 days in advance to the designated email address for the Judge's Virtual Courtroom. No proceedings shall be conducted in the Courthouse, except upon motion granted in the discretion of the Court, following demonstration of need. Public safety considerations may require that any such motion will not be granted.
3. All Virtual Court Hearings or Virtual Conferences shall be scheduled by Order issued by the Orphans' Court Division 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 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 notice and Zoom invitation to all witnesses and parties.
4. All Virtual Court Hearings will be conducted on the Record with a transcript available from the Court Reporter.
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. **HEARINGS:** The following types of Hearings shall be scheduled for individual Virtual Court Hearings setting a specific date and time by Order issued by the Orphans' Court Division and delivered electronically to counsel and self-represented parties:

A. Adoptions

- B. Termination of Parental Rights on Consent/Voluntary Relinquishment of Parental Rights
 - C. Guardianships, including Emergency Guardianships and Review Hearings
 - D. Minor's compromise approvals
 - E. Other short hearings, including:
 - i. Guardianship of a minor
 - ii. Assisted Reproduction hearings/Birth Certificates
 - iii. Abortion Control Act hearings
 - F. Contested Termination of Parental Rights
 - G. Bench trials of contested Accounts
 - H. Bench trials of Will Contests and other Trust or Estate disputes
7. **AUDIT LIST** – (Level II) All accounts not called for Audit on or before March 2, 2020, and filed on or before June 3, 2020, will be scheduled for the Audit List to be called Virtually in the first week of July 2020. All Objections to any Account called for any July Virtual Call of the Audit list must be filed with the Clerk of the Orphans; Court Electronically, on or before July 6, 2020 at 9:30 am. Parties and accountants will receive a specific, delivered electronically, order assigning each account to one of the following five Virtual Calls of the Audit list; Accountants will be required in their notice to all parties to provide specific notice of the date and time of the assigned Virtual Audit List including the Zoom meeting information:
- A. Monday July 6, 2020, at 10 am
 - B. Tuesday July 7, 2020 at 10 am
 - C. Wednesday July 8, 2020 at 10 am
 - D. Thursday July 9, 2020 at 10 am (if needed).
 - E. Friday July 10, 2020 at 10 am (if needed).
8. **MOTIONS AND PETITIONS RELATING TO WILLS, TRUSTS AND ESTATES**
- a. A response to any motion, petition or pleading to which no response has been filed, due to the suspension of deadlines during the Emergency, shall be due on or before June 15, 2020, as provided in the Montgomery County Court of Common Pleas Emergency Order dated May 5, 2020.
 - b. All petitions and motions, including but not limited to discovery motions, that can be decided by the Court based upon a review of the papers, shall be so decided, unless the Court requests a Virtual conference or Virtual argument.
 - c. Any conference or argument shall be scheduled as a Virtual Conference or as a telephone conference, by Court Order, delivered electronically to counsel and self-represented parties.

- d. The Court, in its discretion, may schedule a status conference or pre-trial conference in any pending matter to be conducted Virtually using the Zoom platform, or by telephone conference. Any such conference shall be scheduled by Court Order, delivered electronically to counsel and self-represented parties.
 - e. Any Petition filed after June 1, 2020, for which a Rule Returnable date is requested, will receive an Order setting a date by which a **written** response is due to be filed. The Court will review the pleadings to determine whether the matter can be decided on the papers or whether a Virtual Conference, Virtual Argument or telephone conference is required. If needed, the Court will issue an order scheduling a Virtual Conference, Virtual Argument or Telephone Conference, and the order will be delivered to counsel and self-represented parties electronically.
 - f. Any self-represented parties or counsel who are not electronic filers will be asked to provide email addresses to chambers. All counsel and self-represented parties are encouraged to file all court documents electronically. Paper filings are currently being accepted at the Clerk's office only during limited hours or by mail, and significant delays may be experienced.
9. The Court reserves the right to modify the foregoing procedures when the circumstances of an individual case so require.