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What Exactly is a Legal Emergency?

I am sure just about anyone reading this blog is aware that the courts of Pennsylvania are only open to a minimal extent. They are open to address emergency situations, but what exactly is an emergency in the family law context during the coronavirus pandemic?

Realize that the definition of “emergency” varies from the parties involved to the lawyer, to the county court administrator, to the Judge.

One person’s emergency may not be an emergency in the eyes of a Judge’s gatekeeper in the court system.

That being said, there are certain factual situations that the court system has characterized as emergencies that it will hear. First and foremost on that list is domestic violence.

If you are faced with a situation involving domestic violence, the courts are there to help. Second, a situation in which a child is in danger is always an emergency. This would include a situation where one or both parents are unavailable to care for the child because of mental illness, drugs, alcohol or any other parenting capacity issues. If one parent is available and the other is facing these issues, this would be addressed in custody court. If neither parent is available, the issues would be addressed in the juvenile dependency court.

Another classification of legal emergency for which the courts are open is mental health. The courts are open for emergency mental health commitments and guardianships for people who are not in a position to care for themselves and need a specific guardian appointed.

Noteworthy is what is not a family court emergency in light of the coronavirus situation. Nothing involving money appears to be on the courts’ enumerated list. It is the same for personal property. That is, not to say, a situation involving non-payment of support or the dissipation of marital assets could not rise to be an emergency at present, but the height of the bar has been raised.

Additionally, custody disputes that may have been considered an emergency a month or two ago will no longer be regarded as emergencies. If it does not involve the imminent safety of a child, it is not an emergency.

If you do have an emergency, the family law attorneys of Weber Gallagher are available to discuss your situation with you.