

IN THE MAGISTRATE COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT  
STATE OF GEORGIA



In Re: Declaration of Judicial Emergency  
March 17, 2020

**SECOND AMENDED GUIDANCE DURING JUDICIAL EMERGENCY**

In accordance with the **Order Declaring Statewide Judicial Emergency**, issued by Chief Justice Harold Melton of the Georgia Supreme Court, and attached hereto, all previous direction by this Court is withdrawn.

The Magistrate Court of Fulton County will provide constitutionally-mandated, essential services, specifically applications for search and arrest warrants through electronic interface as well as First Appearance hearings six days a week.

Any individuals charged with crimes in the APH and non-complex divisions who are ON BOND must contact their attorney. Those cases will be removed from the calendar and parties will not be required to appear in court. Cases for those detained will continue as scheduled.

As the Chief Justice's Order tolls, suspends and grants relief from statutory time limits in other matters **as of its issuance on March 14, 2020**, the Magistrate Court suspends all hearings and services listed below:

- landlord-tenant (evictions)
- abandoned motor vehicles
- warrant applications
- copy of charges
- personal property foreclosures, trover
- Misdemeanor Mental Health Court compliance
- small claims
- child abandonment
- environmental
- garnishment
- post-judgment hearings
- weddings

Absent additional direction from the Chief Justice, all suspended calendars will resume on April 14, 2020, pursuant to an Amended Order of Business, to be drafted by the Court. **All items in relation to the calendars above are postponed until the Judicial Emergency is lifted.**

Civil efile options are available and should be utilized for cases where pending deadlines require a response, such as Answers in landlord-tenant actions. Defendants may continue to efile answers in any civil matters; however, in order to be considered timely once the Judicial Emergency is lifted, all pending answers **must be filed within 48 hours of Justice Melton's confirmation to Georgia Courts to return to normal business, which will lift this Guidance.**

Court filers are strongly encouraged to postpone their business with the court until the limited judicial emergency order is lifted. All cases currently scheduled will receive a continuance date from the Clerk's office once the limited judicial emergency is lifted.

If you are scheduled for a criminal hearing and you believe yourself to be ill or at risk, contact the clerk's office at 404-613-5360, or email a request for continuance to the Court at [magistrate.jarequests@fultoncountyga.gov](mailto:magistrate.jarequests@fultoncountyga.gov).

**This Order is effective immediately.**

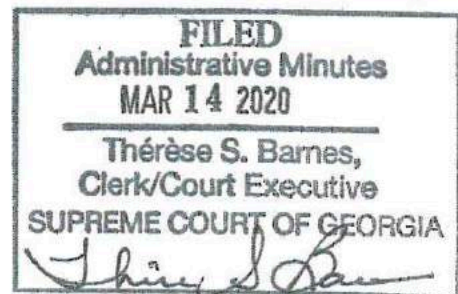
SO ORDERED, this   17   day of March, 2020.

A handwritten signature in blue ink that reads "Cassandra Kirk". The signature is written in a cursive style and is positioned above a horizontal line.

Cassandra Kirk, Chief Magistrate Judge  
Magistrate Court of Fulton County  
Atlanta Judicial Circuit



SUPREME COURT OF GEORGIA



March 14, 2020  
(Amended)

**ORDER DECLARING STATEWIDE JUDICIAL EMERGENCY**

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a “judicial emergency” pursuant to OCGA § 38-3-60 et seq., see OCGA § 38-3-60 (2).

Now therefore, pursuant to OCGA § 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, DOES HEREBY ORDER AND DECLARE a Statewide Judicial Emergency in the State of Georgia. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our courts.

Thus, in order to protect the health, safety, and liberty of all citizens in this State, the undersigned hereby declares a Statewide Judicial Emergency affecting all courts and clerk’s offices in the State as it relates to all judicial proceedings.

To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions are subject to interpretation; however, some matters that fall into the essential function category are: (1) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders; (4) juvenile court delinquency detention hearings and emergency removal matters; and (5) mental health commitment hearings.

In addition, trials in any criminal case for which a jury has been empaneled and the trial has commenced as of the date of this order shall continue to conclusion, unless good cause exists to suspend the trial or declare a mistrial. The decision whether to suspend a criminal trial or declare a mistrial rests with the judge presiding over the case.

To the extent court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by videoconferencing, where possible.

Pursuant to OCGA § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to any: (1) statute of limitation; (2) time within which to issue a warrant; (3) time within which to try a case for which a demand for speedy trial has been filed; (4) time within which to hold a commitment hearing; (5) deadline or other schedule regarding the detention of a juvenile; (6) time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (7) time within which to file a writ of habeas corpus; (8) time within which discovery or any aspect thereof is to be completed; (9) time within which to serve a party; (10) time within which to appeal or to seek the right to appeal any order, ruling, or other determination; and (11) such other legal proceedings as determined to be necessary by the authorized judicial official.

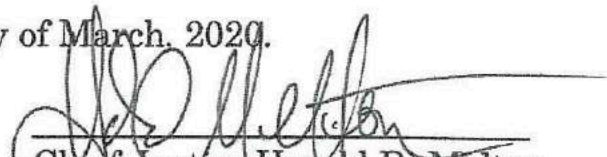
**This Statewide Judicial Emergency shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise extended.**

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

IT IS FURTHER ORDERED, pursuant to OCGA § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Georgia Court of Appeals, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

IT IS FURTHER ORDERED that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 14<sup>th</sup> day of March, 2020.

  
Chief Justice Harold D. Melton  
Supreme Court of Georgia

cc:

- Governor Brian P. Kemp
- Lt. Governor Geoff Duncan
- Speaker David Ralston
- State Bar of Georgia
- Administrative Office of the Courts
- Judicial Council of Georgia
- Council of Superior Court Clerks of Georgia
- Department of Juvenile Justice
- Criminal Justice Coordinating Council
- Council of Accountability Court Judges
- Georgia Commission on Dispute Resolution
- Institute of Continuing Judicial Education of Georgia
- Georgia Council of Court Administrators
- Chief Justice's Commission on Professionalism
- Judicial Qualifications Commission
- Association County Commissioners of Georgia
- Georgia Municipal Association
- Georgia Sheriffs' Association
- Georgia Association of Chiefs of Police
- Georgia Public Defender Council

Prosecuting Attorneys' Council of Georgia  
Department of Corrections  
Department of Community Supervision  
Georgia Court Reporters Association  
Board of Court Reporting  
State Board of Pardons and Paroles

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 . Clerk