

**Judicial Council of Georgia  
Emergency Session**

**By Conference Call**

**Monday, March 30, 2020**  
2:00 p.m.

- 1. Preliminary Remarks**  
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**  
(Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)
- 3. Adoption of Minutes from Emergency Session on March 23, 2020**  
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**  
(Chief Justice Harold D. Melton, Est. Time – 15 Min.)
- 5. Court Reporting Matters Committee and Board of Court Reporting – New Advisory Opinion 47**  
(Vice Chief Judge Carla McMillian and Chief Judge John Edwards, Est. Time – 10 min.)
- 6. Reports from Courts, Councils, State Bar, and AOC (Est. Time – 20 min.)**
  - A. Supreme Court**
  - B. Court of Appeals**
  - C. Business Court**
  - D. Council of Superior Court Judges**
  - E. Council of State Court Judges**
  - F. Council of Juvenile Court Judges**
  - G. Council of Probate Court Judges**
  - H. Council of Magistrate Court Judges**
  - I. Council of Municipal Court Judges**
  - J. State Bar of Georgia**
  - K. Administrative Office of the Courts**

**7. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)**

- A. Council of Accountability Court Judges**
- B. Georgia Commission on Dispute Resolution**
- C. Council of Superior Court Clerks**
- D. Chief Justice’s Commission on Professionalism**
- E. Georgia Council of Court Administrators**
- F. Institute of Continuing Judicial Education**
- G. Judicial Qualifications Commission**

**8. Old/New Business**

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

**9. Concluding Remarks and Adjournment**

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

**Next Judicial Council Meetings**

<b>Friday, April 24, 2020</b>	<b>10 a.m. – 12:30 p.m.</b>	<b>TBD</b>
Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

**Proposed Council Meeting Calendar – 2021**

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. “Sloppy” Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

*Please continue to check [www.georgiacourts.gov](http://www.georgiacourts.gov) (the Judicial Gateway) for the latest news about court closures. Thank you and continue to be safe!*

**Judicial Council of Georgia**  
**Emergency Session**  
**Conference Call**  
**March 23, 2020 • 2 p.m.**

**Members Present**

Chief Justice Harold D. Melton, Chair  
Presiding Justice David Nahmias  
Judge Brian Amero  
Chief Judge Berryl Anderson  
Chief Judge Jeffrey Bagley  
Judge Michael Barker  
Chief Judge Chris Brasher  
Chief Judge Carl C. Brown  
Chief Judge Geronda Carter  
Judge Walter Davis  
Chief Judge Donald W. Gillis  
Chief Judge TJ Hudson  
Chief Judge Asha Jackson  
Judge Jeffrey H. Kight  
Judge Shawn LaGrua  
Judge T. Russell McClelland  
Chief Judge Christopher T. McFadden  
Vice Chief Judge Carla McMillian  
Judge Dale “Bubba” Samuels  
Chief Judge Juliette Scales  
Judge Arthur Lee Smith  
Mr. Darrell Sutton  
Judge Wesley B. Tailor  
Judge James G. Tunison, Jr.  
Judge Ralph Van Pelt  
Judge Willie C. Weaver  
Chief Judge Kelli Wolk

**Staff Present**

Ms. Cynthia Clanton, Director  
Ms. Michelle Barclay  
Ms. Jessica Farah  
Mr. Christopher Hansard  
Ms. Stephanie Hines  
Ms. Noelle Lagueux-Alvarez  
Ms. Tynesha Manuel  
Ms. Tracy Mason  
Ms. Lashawn Murphy  
Ms. Tiffanie Robinson  
Ms. Maleia Wilson

**Guests (Appended)**

**Call to Order and Welcome**

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold Melton. Members identified themselves for the purposes of roll call; staff and guests were instructed to submit their attendance to Ms. Robinson for the purposes of minutes.

## **COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**

Chief Justice Melton thanked all meeting participants for fostering a spirit of collaboration and cooperation during this time. He encouraged judicial leaders to focus on staying operational as there are services only the courts can provide.

Chief Justice Melton addressed court closures; specifically, counties closing all governmental offices, including the courts. He reported the Association County Commissioners of Georgia has issued a legal memo outlining the authority of the county commission and the court. Chief Justice Melton identified that an alternative to closing the court is to continue operations with limited staff and social distancing practices. He also recognized a statute which allows for the designation of an alternative court location when it is impossible or impractical to operate within the courthouse.

Chief Justice Melton reported the Council of Municipal Court Judges has issued a memorandum to municipal courts and recognized Judge Samuels to provide additional information. Judge Samuels provided an overview of the memorandum noting its purpose is to provide guidance and recommendations regarding essential functions. Essential functions for municipal courts have been defined as 1) first appearance hearings; 2) when a defendant has been arrested pursuant to a warrant; and, 3) revocation/violation of probation hearings. The Council of Municipal Court Judges has also made recommendations to reduce the jail population through the issuance of standing orders which allows for own-recognizance (OR) bonds, and courts to handle necessary hearings via video conference when possible.

Chief Justice Melton recognized Judge LaGrua to provide an update on a memorandum currently under draft to address the increasing jail population during this pandemic. Judge LaGrua reported she has issued an email to superior court judges to address bond on probation revocation and allow for bond where appropriate.

Chief Justice Melton also discussed the issue between discouraging in-person attendance and prohibiting attendance in court. He recognized Cobb County Court for sharing the idea of live streaming court proceedings into an adjourning courtroom to allow for appropriate social distancing.

Chief Justice Melton also recognized the increasing likelihood of elected officers becoming infected, offering solutions to continue operating. Judge Amero requested clarification on the

likelihood of the judiciary partnering with the medical profession to identify a medical protocol for court attendance. Justice Nahmias offered clarification on statutory authority to assign judges, district attorneys, and public defenders, if the primary official is unavailable. The Council discussed current operations throughout the state.

Chief Justice Melton opened the floor to identify additional challenges throughout the state. Judge Kight requested assistance on a matter involving district attorneys. Chief Justice Melton provided information from a discussion with the Prosecuting Attorneys' Council (PAC) regarding OR bonds and communication within the local jurisdictions, noting they have advised courts to allow for OR if the individual has tested positive or appears to be ill.

Judge Amero requested clarification regarding Uniform Superior Court Rule 9.2(E)(4) regarding designation of an alternative location. Chief Justice Melton reminded attendees of the open court requirements. Justice Nahmias reminded attendees of the rule, stressing "the location from which the trial judge is presiding shall be accessible to the public." He further noted the consequence of failure to adhere to the rule would be invalidation of the entire proceeding. After Council members sought clarification regarding the Supreme Court order declaring the state of emergency, Justice Nahmias noted the order does not amend any rules, but there are options to quickly amend rules when necessary. Chief Justice Melton provided clarity on the timeline to amend existing rules as needed.

### **Reports from Courts, Councils & State Bar**

Court of Appeals. Chief Judge McFadden provided an update noting the Court of Appeals is fully functional with a skeleton staff. All oral arguments have been postponed.

Council of Superior Court Judges. Judge LaGrúa requested additional discussion regarding the closure of courthouses.

Council of State Court Judges. Judge McClelland reported interest in the discussion of remote court appearances.

Council of Juvenile Court Judges. Judge Scales also reported interest in the discussion of remote court appearances. She also requested clarification on whether superior court rule modifications would be applicable to juvenile court judges. Judge LaGrúa and Judge Scales agreed to continue the discussion after the full Council meeting.

Council of Probate Court Judges. Judge Hudson recognized Judge Wolk to report on behalf of the Council of Probate Court Judges. Judge Wolk requested information on how to address

courts limiting hours. Judge Wolk cited O.C.G.A. 15-9-83 (2010), noting the statute requires access at least forty hours per week. Chief Justice Melton advised compliance with the statute but limiting physical contact using social distancing. Judge Wolk reported the use of scheduled appointments for appropriate actions. Judge Wolk requested guidance regarding acceptance of administering an oath via video conference, despite a 1995 case which cited audio remote administration of an oath is not permitted, as video conference allows for verification of identification. Christopher Hansard requested additional information regarding the case. Chief Justice Melton offered clarification, noting court reporters have requested permission to administer oaths for depositions remotely. Lastly, Judge Wolk requested guidance on weapons carry licenses, as the classification of marriage licenses as essential has caused requestors of weapons carry licenses to push back on the classification. Judge Wolk noted the key difference in the weapons carry licenses is the requirement of physical contact with the applicant through fingerprinting and photography. Chief Justice Melton offered general guidance and invited the Council to provide additional guidance if possible.

Council of Magistrate Court Judges. Judge Barker reported the magistrate courts are facing a dichotomy in remaining open to the public but discouraging in person physical appearances in the clerk's office.

Council of Municipal Court Judges. Judge Samuels referred members to the memorandum provided to Judicial Council members. Judge Samuels also acknowledge the passing of Judge Roosevelt Carter and requested prayer for his family.

State Bar of Georgia. Mr. Sutton reported the State Bar has compiled resources for members which are accessible on the website. The resources also contain information on how to apply for a Small Business Administration loan.

Administrative Office of the Courts. Director Cynthia Clanton reported the AOC is fully operational with staff teleworking. She also reported essential in-office agency functions are being covered by a small team. The agency has adopted emergency protocol for processing invoices, purchase requisitions, and reimbursements. The agency is continuing to post information about court closures and best practices for addressing the COVID-19 outbreak, including a sample social distancing policy. Director Clanton also reminded attendees of the extended caseload reporting deadline of April 15.

#### **Reports from additional Judicial Branch Agencies**

Council of Accountability Court Judges. Ms. Taylor Jones recognized the chair, Chief Judge Kathlene F. Gosselin, to provide the Council report. Judge Gosselin reported all required grant submissions were submitted on-time. She also reported courts are working remotely by video or telephone to continue treatment. Ms. Jones reported all training has been postponed and all staff are teleworking but available for remote technical assistance as needed.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson reported after meeting with program directors on Friday, the Commission is exploring how to increase the use of video conferencing, ethical consideration for mediators, and best practices. The Commission will add additional resources to the website and partner with the American Bar Association to share information with the Dispute Resolution Section. Training has been canceled through April; the Commission is exploring options to reschedule or provide webinars.

Council of Superior Court Clerks. Mr. Mike Holiman reminded Council members of the non-court real estate functions performed by the clerks' office. He noted e-filing is available for real estate and civil filings. The Council of Superior Court Clerks issued an advisory to superior court clerks which highlights orders restricting public and private access. The Council has advised clerks will provide reasonable access to all documents and real estate filers; should physical access not be available, filings shall be accepted via mail, drop box, or electronically. The Council has advised the clerk's office cannot close as someone must be available to respond to inquiries.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the staff is working remotely. The working Committee for the Suicide Awareness Program is scheduled to meet remotely weekly. Given the tenure of information provided, the Committee will explore options for the April 24<sup>th</sup> program. She highlighted that on the Commission's website there are resources to give and get help. The Commission is also exploring an online professionalism seminar for attorneys in need of professionalism credit.

Georgia Council of Court Administrators. Ms. Stephanie Hines reported GCCA is keeping court administrators informed by sharing information provided.

Institute of Continuing Judicial Education. Mr. Doug Ashworth reported ICJE staff members are teleworking. All live onsite events have been canceled through April. All events in May, June, and July are scheduled to proceed at this time. Mr. Ashworth reported ICJE is monitoring local ordinances and keeping in contact with leadership of constituent groups affected. The next Board of Trustees meeting is scheduled for Friday, March 27, 2020 at 1 p.m.

**Adoption of Minutes – February 14, 2020, and March 16, 2020**

Chief Justice Melton directed the Council’s attention to the minutes of the February 14, 2020, meeting, and the Emergency Session on March 16, 2020. A motion to approve the minutes was offered by Presiding Justice Nahmias, followed by a second from Judge Barker. No discussion was offered, and the motion was approved without opposition.

**Old/New Business**

Chief Justice Melton addressed the expiration of the declaration, requesting feedback on any outstanding issues to be addressed in a possible extension order. Chief Justice Melton reminded the Council of the restrictions of his authority. He also requested feedback on meeting frequency. Chuck Boring and Judge LaGrua were recognized by Council members for their accessibility and assistance during this period.

**Concluding Remarks**

Chief Justice Melton announced that the next Council meeting would be Monday, March 30, 2020, via teleconference.

**Adjournment**

Hearing no further business, Chief Justice Melton adjourned the meeting at 3:00 p.m.

Respectfully submitted:

Tynesha Manuel  
Assistant Director, Judicial Council/AOC  
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes  
were approved on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

\_\_\_\_\_  
Harold D. Melton  
Chief Justice

**Judicial Council of Georgia**  
**Emergency Session**  
**Conference Call**  
**March 23, 2020 • 2 p.m.**

**Guest Present**

Mr. Doug Ashworth, Institute of Continuing Judicial Education  
Justice Michael Boggs, Supreme Court of Georgia  
Mr. Joseph Baden, Third Judicial Administrative District  
Mr. Josh Becker, Council of Accountability Court Judges  
Mr. Tracy J. BeMent, Tenth Judicial Administrative District  
Mr. Bob Bray, Council of State Court Judges  
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission  
Judge Rachelle Carnesale, Fulton County Superior Court  
Mr. Richard F. Denney, First Judicial Administrative District  
Judge David Emerson, Douglas Superior Court  
Mr. Steve Ferrell, Ninth Judicial Administrative District  
Judge Kathy Gosselin, Northeastern Judicial Circuit  
Ms. Karlise Grier, Chief Justice Commission on Professionalism  
Judge Amber Hanberry, Southern Circuit (for Judge Brian A. McDaniel)  
Ms. Jane Hansen, Supreme Court of Georgia  
Judge James E. Hardy, Southern Circuit  
Mr. Kevin Holder, Council of Probate Court Judges  
Mr. Mike Holiman, Council of Superior Court Clerks  
Mr. Eric John, Council of Juvenile Court Judges  
Ms. Tracy Johnson, Georgia Office of Dispute Resolution  
Ms. Taylor Jones, Council of Accountability Court Judges  
Ms. Anne Kirkhope, Council of Juvenile Court Judges  
Ms. Cathy McCumber, Forth Judicial Administrative District  
Ms. Natasha MacDonald, Council of Superior Court Judges  
Ms. Tia C. Milton, Supreme Court of Georgia  
Mr. David Mixon, Second Judicial Administrative District  
Mr. Jay Neal, Criminal Justice Coordinating Council  
Ms. Jody Overcash, Seventh Judicial Administrative District  
Judge James L. Prine, Southern Circuit  
Judge W. Wade Padgett, Council of Superior Court Judges  
Ms. Sharon Reiss, Council of Magistrate Court Judges  
Judge James G. Tunison, Jr., Southern Circuit  
Judge Sarah F. Wall, Oconee Judicial Circuit  
Ms. Kirsten Wallace, Council of Juvenile Court Judges  
Mr. Shannon Weathers, Council of Superior Court Judges  
Ms. Emily Youngo, Council of Superior Court Judges

**47. Remote Swearing-in of Witnesses in Depositions in Civil Cases.**

The Board was asked whether a certified court reporter can administer an oath to a witness remotely. Currently, there is no clear legal authority expressly barring a court reporter from administering an oath remotely, nor is there authority expressly permitting it. Remote depositions, in general, are permitted by Georgia's Civil Practice Act. "[A] deposition may be taken by telephone or other remote electronic means only upon the stipulation of the parties or by order of the court. For purposes of the requirements of this chapter, a deposition taken by telephone or other remote electronic means is taken in the state and at the place where the deponent is to answer questions." [OCGA § 9-11-30\(b\)\(4\)](#). However, the Act does not address whether a court reporter must be physically present with a witness in order to swear the witness in. No appellate legal authority interpreting this code section to impose a live swearing-in requirement could be located; however, no legal authority interpreting it to bar remote swearing-in was located either.

In contrast to the lack of available authority on court reporters, there is voluminous appellate legal authority on the administration of oaths by notaries. Generally, notaries must be in the same physical location as a witness in order to administer the oath for an affidavit. [Sambor v. Kelly](#), 271 Ga. 133 (1999); [Keane v. Annice Heygood Trevitt Support Trust](#), 285 Ga. Ct. App. 155, (2007). Indeed, one case involving notaries uses some very broad language that could be read to prohibit the remote administration of oaths generally. [Redmond v. Shook](#), 218 Ga. App. 477 (1995). In [Redmond](#), the Court of Appeals considered the validity of an expert affidavit that had been "signed by the expert in Pennsylvania and notarized by the notary public in Georgia." *Id.* at 477. The court held that the affidavit was invalid, stating "[i]n order to make an affidavit, there must be present the officer, the affiant, and the paper, and there must be something done which amounts to the administration of an oath. There must be some solemnity, not mere telephone talk. Long-distance swearing is not permissible. Thus, an oath cannot be administered over the telephone in Georgia. This is the rule in most jurisdictions." *Id.* (internal citations omitted). The case cited for this proposition by the court in [Redmond](#) was [Carnes v. Carnes](#), 138 Ga. 1 (1912). *Id.*

Read broadly; this language would appear to bar the remote administration of oaths generally. However, this case examined the requirements for the oath administered by notaries to create a valid affidavit, not the oath administered by court reporters during depositions or court proceedings. Additionally, in this case, the oath was administered over a telephone line in which only the notary and affiant were on the call. The sophisticated videoconferencing software available today did not exist in 1995, and it is possible that a court today would rule differently if presented with a case hinging on the use of the sophisticated videoconferencing systems available today. Regardless, the case dealt with the notarial oath, not the oath administered by a court reporter, and this Board distinguishes it on those grounds.

While Georgia law is clear that notaries must administer oaths in-person, court reporters are not always notaries and are not generally subject to the same requirements or laws as notaries. Notaries have their section of the code in Chapter 17 of Title 48, while court reporters are regulated by the Court Reporting Act, found in Chapter 14 of Title 15. No appellate legal authority could be located requiring court

reporters to become notaries in order to fulfill their duties, nor could we locate any authority holding that court reporters were subject to the same legal requirements as notaries. In fact, a Board of Court Reporting Advisory Opinion from 1977 opines that the ability of court reporters to administer an oath to a witness is inherent in their power as officers of the court. BCR Advisory Opinion [77-2](#), 1977. Court reporters are officers of the court by statute. [O.C.G.A. § 15-14-21](#). While many court reporters are also notaries, it appears that their ability to swear witnesses inflows from their status as officers of the court, not from their status as notaries.

Additionally, the Civil Practice Act contains a broad provision allowing parties to alter discovery procedures, including depositions, by written stipulation. [O.C.G.A. § 9-11-29](#) states that “[u]nless the court orders otherwise, the parties may, by written stipulation . . . [p]rovide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and, when so taken, may be used like other depositions.” No legal authority could be located that indicated that the remote administration of an oath was not a procedure that could be stipulated in writing under this code section. This language is quite broad and states explicitly that a deposition may be taken “in any manner” so long as the parties agree in writing. *Id.*

Thus, certified court reporters may administer oaths remotely so long as the parties stipulate in writing pursuant to O.C.G.A. § 9-11-29. Further, the oath should be administered via videoconference system, not by telephone, to satisfy any concerns raised by Redmond. While the Board feels that Redmond does not apply to court reporters taking down depositions by videoconferencing system because Redmond dealt with a notarial oath administered by telephone in the mid-1990s, since there is no appellate legal authority expressly limiting Redmond to notaries, the Board recommends that reporters administer oaths remotely only via videoconference and not by telephone. Additionally, where the defending attorney is present in the room with the witness/deponent, the attorney, as an officer of the court, may administer the oath; however, both parties must consent to the oath’s administration by the attorney. Finally, the fact that some reporters are notaries does not change this analysis for those reporters; they may still administer oaths in their capacities as court reporters remotely as described above, but if they administer an oath to a witness signing an affidavit in their capacity as a notary, they must do so in-person.

**Advisory Opinion**  
**2020-01**  
**Adopted March 24, 2020**

## Guidelines for Screening Visitors at the Entrance to a Courthouse

The following suggestions come from public health experts at the Georgia Department of Public Health. Courts may use these guidelines at their discretion. Keep in mind that screening is an action taken after the following actions have already been implemented: (1) eliminate all non-critical functions, (2) impose social distancing among employees and visitors, and (3) urge anyone not feeling well to self-isolate at home.

- Conduct the screening outside or in a designated area;
- Ask whether the visitor is experiencing fever, any shortness of breath, persistent cough or sore throat, or any other symptoms of respiratory infection, or has experienced such symptoms and is currently subject to Georgia Department of Public Health's Isolation Protocol (or post a notice listing those symptoms in a prominent location);
- Ask whether the visitor has traveled to an area or location with widespread, ongoing transmission of Coronavirus (COVID-19) within the last 14 days, per CDC guidelines, or has been exposed to COVID-19 within the last 14 days;
- Take each person's temperature using a no-touch thermometer;
  - The persons taking visitors' temperatures should wear gloves, a surgical mask, and a plastic face shield;
- Prohibit entrance by anyone with a temperature of 100.4 or higher;
  - Note that, as the weather grows increasingly warm, screening will produce increased false results unless individuals are allowed to cool down first;

DRAFT

- Prohibit any person meeting either the respiratory infection symptoms, travel or exposure criteria, or the temperature criteria from entering the building;
- Provide hand sanitizer and/or face masks for those entering the building.

Persons prohibited from entering the building should be given a telephone number or other means to contact court officials regarding alternative means of pursuing critical judicial matters.

March 27, 2020

DRAFT



**STATE OF GEORGIA  
DEPARTMENT OF PUBLIC HEALTH  
AMENDED<sup>1</sup> ADMINISTRATIVE ORDER  
FOR PUBLIC HEALTH CONTROL MEASURES**

**WHEREAS**, on March 14, 2020, Governor Brian P. Kemp issued Executive Order 03.14.20.01, declaring a Public Health State of Emergency in Georgia due to the impact of Novel Coronavirus Disease 2019 (COVID-19); and

**WHEREAS**, on March 16, 2020, the Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution; and

**WHEREAS**, the Centers for Disease Control and Prevention recommends that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

**WHEREAS**, as of this date, laboratory testing has confirmed more than 500 cases of COVID-19 in the state of Georgia, a number that continues to rise; and

**WHEREAS**, COVID-19 presents a severe threat to public health in Georgia; and

**WHEREAS**, COVID-19 is a severe respiratory disease that is transmitted by respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, although the vast majority of Georgians are complying with public health recommendations and guidance for the isolation of persons with symptoms of COVID-19, I have received reliable reports that a small number of persons may be behaving in a way that contributes to the spread of this disease in the community; and

**WHEREAS**, I have determined that it is necessary and appropriate to require persons who:

- have received a positive lab-confirmed test for COVID-19, or
- are suspected to have COVID-19 based on symptoms and a known exposure to a person with COVID-19, or
- have been in close contact with a person with known or suspected COVID-19

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<sup>1</sup> This Amended Administrative Order amends and supersedes the prior Order issued on March 22, 2020.

to isolate or quarantine themselves at home, in order to slow the spread of COVID-19, reduce the number of people who will become infected, and avoid unnecessary strain on Georgia's healthcare system.

**NOW, THEREFORE**, in accordance with O.C.G.A. §§ 31-2A-4(4) and 31-12-4, Chapter 511-9-1 of the Rules of the Georgia Department of Public Health ("Department"), and Governor Kemp's Executive Order 03.14.20.01,

**IT IS HEREBY ORDERED** as follows:

Isolation

1. *Persons With Known COVID-19.* Upon notification by a healthcare provider, public health official, or clinical laboratory of a positive laboratory-confirmed test for COVID-19, the person testing positive for COVID-19 shall immediately isolate himself or herself at home or another location approved by the Department.
2. *Persons With Suspected COVID-19.* Upon notification by a healthcare provider or public health official of suspected COVID-19 infection based on symptoms and a known exposure to a person with COVID-19, the person with suspected COVID-19 infection shall immediately isolate himself or herself at home or another location approved by the Department.
3. Each isolated person shall avoid unnecessary physical contact with any and all persons and shall comply fully with the Isolation Protocol attached to this Order, which may be updated from time to time based on guidance from the Centers for Disease Control and Prevention.
4. Each isolated person shall remain in isolation until such time as he or she no longer presents a risk of infection to the public, as determined by the [Isolation Protocol](#) then in effect. As of the date of this Administrative Order, the [Isolation Protocol](#) requires an isolated person to remain in isolation until either:
  - the person's fever has been gone for at least seventy-two (72) hours, without taking fever-reducing medication, and
  - the person's other symptoms have improved, and
  - at least seven (7) days have elapsed from the date symptoms began,

**or**

- for a person who was placed under home isolation due to a laboratory-confirmed positive test result, but who has experienced no symptoms of COVID-19, until at least seven (7) days have elapsed since the date of the person's first positive diagnostic test.
5. Isolated persons should monitor their symptoms and seek prompt medical attention if they experience difficulty breathing, as instructed in the [Isolation Protocol](#). An exception to the requirement for isolation applies in the event of an emergency, such as a fire or natural disaster, or if the person's health condition worsens and he or she requires treatment in a healthcare facility.
  6. Each isolated person shall, to the extent practicable, provide notification of the isolated person's COVID-19 status to those persons with whom the isolated person has been in close contact (within six (6) feet for a prolonged period of time) since symptoms began. The most common symptoms of COVID-19 are cough, fever, and shortness of breath. At the request of state or local public health personnel, the isolated person shall provide a list of the locations visited by the isolated person during the time frame that he or she may have been able to transmit the disease.

### Quarantine

7. *Persons With COVID-19 Exposure Likely to Result in Infection.* Upon notification by a healthcare provider, public health official, or isolated person of exposure to COVID-19 based on close contact (within six (6) feet for a prolonged period of time) with a person who must be isolated as provided herein, the person so exposed shall immediately quarantine himself or herself at home or another location approved by the Department.
8. Each quarantined person shall remain at home or in the approved quarantine location for a period of fourteen (14) days from the person's last known exposure to COVID-19. An exception to the requirement for quarantine applies in the event of an emergency, such as a fire or natural disaster, or if the person requires treatment in a healthcare facility. Health care providers, emergency medical services workers, and other first responders may continue to work, in consultation with their workplace occupational health program and if necessary to ensure adequate staffing, so long as they are asymptomatic, don masks while on duty, and comply with all other quarantine requirements for the duration of the fourteen (14) day period.

9. During the period of quarantine, the quarantined person shall take his or her temperature twice per day and monitor any symptoms of respiratory illness. If at any time the quarantined person's temperature is above 100.4 degrees Fahrenheit, or if the quarantined person experiences cough or shortness of breath, the quarantined person shall be considered a person with suspected COVID-19 and shall follow the requirements for isolation set forth above.

Staff members of the Department remain available at 866-PUB-HLTH (866-782-4584) to provide assistance and counseling to persons subject to this Administrative Order concerning their illness or exposure and their compliance with this Order. During the period of isolation or quarantine, the ability of persons subject to this Order to communicate with others outside the isolation or quarantine site, including their ability to exchange confidential communications with legal and medical advisors of their own choosing, will be preserved and facilitated to the extent possible without jeopardizing the integrity of the isolation or quarantine.

Failure to comply with this Order is a misdemeanor offense pursuant to O.C.G.A. § 31-5-8. If the Department has reasonable grounds to believe that a person subject to quarantine or isolation refuses to comply with the requirements of this Order, the Department may provide information to law enforcement as necessary to ensure compliance and facilitate criminal prosecution.

Further, any person who refuses to isolate or quarantine himself or herself as required by this Order may be subject to further action by the Department, including a court order for involuntary detention in an appropriate facility other than the one specified above, or such other action as the Department may deem necessary to protect the public's health.

**SO ORDERED**, this 23rd day of March, 2020.



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Kathleen E. Toomey, M.D., M.P.H.  
Commissioner  
State Health Officer

Attachment:

[Georgia Department of Public Health Isolation Protocol](#)

## ISOLATION PROTOCOL

### What to do if you are sick with the novel coronavirus (COVID-19)

March 23, 2020<sup>1</sup>

If you have tested positive for COVID-19 infection, or if a healthcare provider or public health official has told you that COVID-19 infection is suspected because you have been exposed to a person with COVID-19, you must follow the home isolation instructions below. These steps will help prevent the disease from spreading to others in your household and community. You should also follow these instructions if you suspect that you have COVID-19, even if you do not have a known exposure. The most common symptoms of COVID-19 are fever, cough, and/or shortness of breath.

#### Stay home except to get medical care

You must not go outside your home unless you need medical care or in the event of an emergency, such as a fire. Do not go to work, school, or public areas, and do not use public transportation, Uber/Lyft, or taxis. If seeking medical care, always call ahead to alert the healthcare provider that you have or may have COVID-19.

#### Separate yourself from other people and animals in your home

As much as possible, you should stay in a different room from other people in your home. You should use a separate bathroom, if available. The CDC currently recommends keeping 6 feet between yourself and others, if possible. Prohibit visitors to your home as much as possible.

#### Wear a face mask

You should wear a face mask when you are around other people (e.g., sharing a room or vehicle), pets, and before you enter a healthcare provider's office. If you are not able to wear a face mask (for example, because it causes trouble breathing), then people who live with you should not stay in the same room with you, or they should wear a face mask if they enter your room.

#### Appropriate hygiene

Wash hands often with soap and water for at least 20 seconds. If handwashing with soap is not possible, use alcohol-based sanitizer with at least 60% alcohol to thoroughly cover all surfaces of your hands, then rub until they feel dry. Avoid touching your mouth, eyes, or nose with unwashed hands. If you cough or sneeze, do so into your elbow or use a tissue to cover your mouth.

#### Avoid sharing household items

You should not share dishes, drinking glasses, cups, eating utensils, towels, bedding, or other items with other people in your home. After using these items, you should wash them thoroughly with soap and water.

#### Clean and disinfect "high-touch" surfaces frequently

If surfaces are dirty, clean them with a detergent or soap and water prior to disinfection. For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective. Labels contain instructions for

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<sup>1</sup> Please check the DPH website for updates, as these guidelines may change based on CDC recommendations. Visit [www.dph.ga.gov](http://www.dph.ga.gov), scroll down to "Additional COVID-19 Resources," and click on "DPH Isolation Guidance."

safe and effective use of the cleaning product, including precautions you should take when applying the product, such as wearing gloves and making sure you have good ventilation during use of the product.

### **Monitor your symptoms**

If you develop worsening symptoms (i.e., difficulty breathing) you should seek prompt medical attention. You must call your healthcare provider before seeking care and tell them that you have been diagnosed with COVID-19. You must wear a facemask before entering the healthcare facility to protect other patients and staff from being exposed.

**If you have a medical emergency, call 911. You must notify emergency services that you have COVID-19 infection. Put on a facemask if possible before emergency services arrive.**

### **Discontinuing home isolation**

You must remain under home isolation precautions until:

- you have had no fever for at least 72 hours (that is, three full days of no fever without the use of a fever-reducing medicine);  
AND
- your other symptoms, such as cough and shortness of breath, have improved;  
AND
- at least 7 days have passed since your symptoms first appeared.

If you were placed under home isolation due to a laboratory-confirmed positive test result but have experienced **no** symptoms of COVID-19, you may discontinue home isolation when at least 7 days have passed since the date of your first positive diagnostic test.

**CDC guidance:** <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html>

**Contact information for the Georgia Department of Public Health (DPH): 1-866-PUB-HLTH (782-4584)**

## Guidance on Tolling Filing Deadlines Under the Chief Justice's Order Declaring Statewide Judicial Emergency

Atlanta Legal Aid has reported that there are varying interpretations of the tolling provision in the Chief Justice's March 14, 2020, Order Declaring Statewide Judicial Emergency, especially in the context of eviction proceedings. Simply stated, like all other non-constitutional filing deadlines, the time for filing an answer in an eviction proceeding is tolled by the declaration if the filing deadline date was after March 14, 2020, or after the date of any prior local or circuit-wide judicial emergency order applicable to the proceeding. For eviction or any other kind of proceeding, whatever amount of time remained before the filing was due prior to the date of the statewide declaration, or prior to any applicable local or circuit-wide order, will remain after the March 14, 2020, declaration has expired or is otherwise terminated. While questions regarding eviction proceedings prompted this guidance, this guidance is applicable to all proceedings and filing deadlines.

March 27, 2020