IN THE JUVENILE COURTS OF THE NORTHERN JUDICIAL CIRCUIT STATE OF GEORGIA

Standing Order No.: 2020-008

Order for Court Proceedings Pursuant to Supreme Court of Georgia Order Entitled:

Third Order Extending Judicial Emergency

FINDINGS OF FACT

On June 12, 2020 the Supreme Court of Georgia issued Third Order Extending Declaration of Statewide Judicial Emergency which extended the State of Judicial Emergency through July 12, 2020. In Part IV of said Order each court is required to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel and the public.

Each court which shares facilities with other courts is encouraged (IV(c)) to coordinate their operating guidelines. The Juvenile Court of the Northern Judicial Circuit shares all of its hearing facilities with other courts. Guidelines are subject to modification to maintain conformance with public health guidance (IV(e)).

CONCLUSIONS OF LAW

Pursuant to O.C.G.A. §38-3-60 the Chief Justice of the Supreme Court of Georgia is authorized to declare a Judicial Emergency. The Supreme Court of Georgia has rule making authority both as an inherent power pursuant to the Constitution of the State of Georgia (1983) Article VI, Section IX, Paragraph I and explicitly through statute O.C.G.A. §15-1-5 and O.C.G.A. §15-11-58. The provisions of the Third Order Extending Judicial Emergency applicable to this court are thus grounded in law and enforceable.

Therefore, taking into account the provisions of the Order itself, the guidance provided therein, coordinating with the published guidance of the Superior Courts of the Northern Judicial Circuit and taking into account the health, well-being, and safety of litigants, lawyers, judges, court personnel and the public as well as contemplative of the rights of litigants to an open courtroom, particularly in delinquency and dependency cases, the Juvenile Court of the Northern Circuit promulgates the following Order of Operating Guidelines Pursuant to the Third Order Extending Declaration of Statewide Judicial Emergency.

ORDER

- **I.** Purpose: The purpose of Standing Order 2020-008 is to:
 - a. Reduce transmission of COVID-19, and other airborne communicable diseases among court employees and the public;
 - b. Maintain healthy court operations and facilities for the public;
 - c. Maintain a healthy work environment for all persons working in, or with, the court;
 - d. Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law;

II. Definitions

- a. "Face Mask" means a covering of the mouth and nose but not the rest of the face;
- b. "Courthouse" means any location where in-person proceedings are commenced for matters pending in the Juvenile Courts of the Northern Judicial Circuit, wherever they may be located;
- c. "Public Area" means the entrance and exit areas to the Courtrooms and the ancillary gathering areas to the Courtrooms;
- d. "Courtroom" means those areas in which the business of the Court is conducted by a Judge;
- e. "Permitted Cause" is a reason for non-attendance based upon age, health, or other factors.

- **III.** Public Admission and Screening: Person who answer YES to ANY of the following may be DENIED entrance to the Courtroom:
 - a. Screening Questions
 - i. Whether or not they have traveled to or from any areas beyond the borders of the United States of America within the past thirty (30) days;
 - ii. If within the past 10 days have experienced symptoms of CoVid-19, including cough, shortness of breath, difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell;
 - iii. If within the past 14 days they have been in contact with someone known to have CoVid-19;
 - iv. If they have had, or been in the presence of someone who has had, a fever of greater than 100.0 degrees in the past 72 hours.
 - b. <u>Screening Mandatory:</u> All persons seeking entry to the Courtroom shall answer the screening questions in writing, under oath with penalty of perjury, and shall sign same.
 - c. Persons Denied Entry: If an individual with a scheduled court date is prohibited from entering the Courtroom for any of the above reasons, the Chief Security Officer on duty at the time shall contact the specific court for which attendance is mandated and inform the Court that the individual is unable to attend due to screening criteria or other permitted cause, and the individual shall complete an information form that will be turned into the Court. Said form shall be completed in a designated isolation spot. The person who is prohibited from entry should refer to the information posted at the Courtroom entrance and contact the appropriate court and request further instructions regarding future court attendance. If applicable, said person denied entry shall also contact their attorney.
 - d. <u>Persons in target at-risk group:</u> If an individual with a scheduled court date has other limitations, e.g. age or health, which make them especially vulnerable to CoVid-19 or have other concerns with entering the Courthouse, he or she should refer to the

- information posted at the Courtroom entrance and should contact the appropriate court to request that their case be rescheduled.
- e. <u>Face Coverings and Gloves:</u> Pursuant to CDC guidance, all persons admitted to the Courtroom are strongly encouraged to wear face masks and gloves while in the public areas of the Courthouse and in the Courtroom itself. Masks MAY be available at the entrance for individuals who do not have a mask.
- f. Accompanying another to court: For individuals who do not have a court appearance but are accompanying a family member or friend, it is strongly encouraged that they consider the risk to themselves and the public before deciding whether or not to enter the courtroom taking into account the public health guidance, their own risk factors, and whether the court proceeding is open or closed.
- g. <u>Social Distancing</u>: All persons in the Courtroom and Public Areas shall comply with social distancing and keep at least a six foot distance from other persons.
- h. <u>Miscellaneous Items:</u> All persons are encouraged to leave any unnecessary belongings in their vehicle or at home in order to minimize the possible surfaces for infection.
- IV. Counsel in all matters: Keeping in mind social distancing protocols, all counsel and clients should make *every reasonable* effort to meet with their client(s) prior to court. The Sheriff's Office, Department of Family and Children's Services, and the Department of Juvenile Justice should work cooperatively to allow counsel to *privately* meet with their clients in the place of detention or placement and should facilitate remote video meetings that comply with attorney/client privilege conditions in order to limit the exposure of all to potential infections. "Facilitate" means more than the simple provision of information.
- V. Virtual Court Proceedings: The court will continue to use technology to provide an alternative to in-person proceedings. Participating remotely by video conference is permitted in all cases where allowed for by court rules and where the procedures for opt-in have been followed.

- a. Opt-in Virtual Proceedings: All persons desiring to appear virtually in any matter where same is allowed by Court Rules must submit their request to so appear not later than 72 hours (weekends and holidays *excluded*) prior to the date of the scheduled proceeding. Such request must be made to the opposing counsel, your own counsel if applicable, to the Clerk of the Juvenile Court in county wherein your proceeding is pending, and to the Court. Upon your request you will receive a confirmation and an invitation to participate virtually via Cisco WebEx software (as approved by the Council of Superior Court Judges).
- b. <u>Conditions of Virtual Proceedings:</u> By opting in to virtual proceedings you agree that you are satisfied with the condition of the connection, both audio and video, and believe it acceptable for the presentation and defense of your action. You further agree that you have the ability to participate and maintain the connection for the duration of your hearing. You also agree that if the connection is lost or suspended that the proceeding will continue in your absence.
- VI. In-Person Court Proceedings: Special procedures are in place to minimize the risk to everyone's health:
 - a. Text (SMS) Notification: All persons wishing, or required, to appear personally for their hearing but not desiring to wait in the Courtroom may elect to wait in the Courthouse, Public Area, or their personal vehicle. Should you wish to exercise this option you must opt-in by providing to the Chief Security Officer on duty, the Clerk of Court, your counsel if applicable, *and* to the prosecutor or SAAG of your case if applicable the following information: Your name, the case for which you are appearing, your role (witness, party, CASA, etc.) and a working cell phone number currently charged and capable of receiving text (SMS) messages while in the designated parking area for the Courthouse wherein your proceeding will be held. Once provided you may return to your vehicle and you will be sent a text approximately five (5) minutes prior to the start of your case.

- b. Text Notification Conditions: If you opt to use the text (SMS) notification system you agree that your phone is capable of receiving text (SMS) messages in the location you are waiting and that you will be monitoring your phone for said text message. The message will be sent approximately five minutes prior to the beginning of your proceeding. If you do not appear after the designated five minute period the proceeding may proceed without you or you may be cited for failure to appear.
- c. <u>Staggered Calendar:</u> All calendars are produced with an *estimated* start time for your proceeding. Start times cannot be precisely pin-pointed due to a variety of factors including readiness of participants, conflicts with other courts, unexpected lengthening, or unexpected shortening of foregoing proceedings. As a result all persons should be prepared to go forward at the beginning of the day and use the staggered proposed calendar as a guide only- as was done prior to the Declaration of Judicial Emergency.
- d. <u>Direction from Court Personnel:</u> All persons entering the Courtroom must comply with directions given by Courthouse Security and/or staff with respect to seating and social distancing. Courthouse Security shall determine capacity in its sole discretion.
- e. <u>Courtroom Capacity:</u> In the event that a Courtroom is at capacity and an individual who is not a party to the case being hear requests entry, notice shall be given to the presiding judge. Accommodation may be provided, to include, but not limited to: entry and viewing remotely. All accommodations are subject to the limits of technology available to the Juvenile Courts of the Northern Judicial Circuit.
- VII. Cleaning and Disinfecting: All efforts will be made to clean and disinfect areas of the courtroom between users per recommended guidance. All staff and the public are encouraged to follow best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water. Hand sanitizer is generally available in high use areas.
- **VIII.** Coordination of Courtroom Needs: As the Courtroom being to return to full operations, communication will be of utmost importance. In order to ensure that communication

remains a priority, a copy of all notices of hearings, calendars and events shall be sent to the Clerks, Sheriff's, attorneys of record, and pro se litigants.

- IX. Inherent Power: Nothing in this proposed plan shall be construed to limit the inherent power of the Court. Each assigned judge may direct and control their respective cases and those person before them in their courtroom as they deem necessary for the administration of justice. This Order shall be in effect until further modification, extension or termination. This Order is applicable to the operation and conduct of the Juvenile Court. Where not in conflict, this order shall be read in concert with Standing Order 2020-005.
- X. Public Notice: A copy of this Standing Order shall be available in each Clerk of Court office, posted at or near the Courthouse entrance, posted on the Clerk of Court website or Facebook page (if applicable) and a copy sent to the Administrative Office of the Courts.
 SO ORDERED.

Hon. Warren C. Caswell Judge, Juvenile Court Northern Judicial Circuit