

**IN THE SUPERIOR COURTS OF THE CHEROKEE JUDICIAL CIRCUIT
BARTOW AND GORDON COUNTIES
STATE OF GEORGIA**

STANDING ORDER FOR COURT PROCEEDINGS

Pursuant to the FOURTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY dated July 10, 2020, the following guidelines based on the "Georgia Court Reopening Guide"¹ for conducting court proceedings shall be effective immediately:

PURPOSE: The purpose of this Standing Order is to:

- Reduce the transmission of COVID-19 among court employees and the public.
- Maintain healthy court operations and facilities for the public.
- Maintain a healthy work environment for court employees.
- Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

DEFINITIONS:

- "Face mask" means a covering of the mouth and nose but not the rest of the face.
- "Courthouse" means:
 - Gordon County Courthouse and Courthouse Annex located at 100 South Wall Street and 101 South Piedmont Street, Calhoun, GA
 - Bartow County Courthouse located at 135 West Cherokee Avenue, Cartersville, GA
- "Courtroom" means those areas in which the business of the Court is conducted by a Judge, whether in the Courthouse proper or in any other building, which allows public access and where social distancing can be maintained.
- "Public area" means all parts of the Courthouse not reserved for staff.

PUBLIC ADMISSION & SCREENING: All of the requirements assume that permanent or CARES Act-Funded temporary staff are trained in the use of the no-contact thermometers and trained to ask the following screening questions.

Persons who answer YES to ANY of the following may be DENIED entrance to the Courtroom:

- Whether or not they have traveled to or from any areas in which COVID-19 is particularly active.
- If they have, within the past ten days, experienced symptoms of COVID-19 including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- If they have been in contact with someone known to have COVID-19 within the last 14 days.
- If they have a fever of 100.0 degrees or higher or who have reported a fever above 100.0 degrees in the past 72 hours.

¹<https://georgiacourts.gov/wp-content/uploads/2020/06/Georgia-Court-Reopening-Guide-FINAL.pdf>

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 deputy 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. The person who is prohibited from entry should refer to the information posted at the Courtroom entrance and contact the appropriate court to request further instructions regarding future court attendance.

If an individual with a scheduled court date has other health limitations which make them especially vulnerable to COVID-19 or have other concerns with entering the Courtroom, he or she should contact the appropriate court to request that their case be rescheduled.

Pursuant to CDC guidance², all persons admitted to the Courtroom may be required to wear face masks while in the public areas of the Courthouse. Masks may be available at the entrance for individuals who do not have a mask. Individual offices within each courthouse may implement mandatory wearing of masks due to the space and high-volume contact with the public.

This Order is not intended to require masks for offices other than Superior Court. The County Administrator, Probate Judge, Chief Magistrate, Clerk of Superior Court, Juvenile Judge, and other offices may set their own guidelines.

The mask requirement is subject to each county's ability to acquire masks for distribution through county funds or CARES Act funds.

DEFENSE COUNSEL IN CRIMINAL MATTERS: With social distancing protocols in mind, defense counsel should make every attempt reasonable to meet with their client(s) prior to court. The Sheriff's Offices should work cooperatively to allow defense counsel to privately meet with their clients in the jail or via remote video while protecting all persons from potential exposure to COVID-19.

VIRTUAL COURT PROCEEDINGS: All judges will continue to use technology to provide an alternative in-person proceedings. Participating remotely by video conference may be an option in many courts but may differ from court to court and hearing to hearing. Individuals should contact their specified court ahead of time to find out more details. Such virtual court proceedings will follow open court requirements. The use of Docu-sign is encouraged.

IN-PERSON COURT PROCEEDINGS: The Court is employing special procedures to minimize the risk to everyone's health. To accommodate for social distancing and cleaning, court sessions may be staggered with fewer cases scheduled per session. Additionally, seating in the courtroom will be limited to designated seats. Some court sessions may be temporarily relocated to other rooms or buildings not typically used in order to accommodate social distancing. Handling of paperwork will be kept to a minimum.

Persons entering courtrooms must comply with directions given by Courthouse security and/or staff with respect to seating and social distancing.


In the event that a courtroom is at capacity and an individual who is not a party to the case being heard requests entry, notice shall be given to the presiding judge. Accommodation may be provided to include, but not limited to: entry, viewing remotely, etc.

CLEANING & DISINFECTING: All efforts will be made to have court or county personnel clean and disinfect areas of the courtroom between users per recommended guidance.³ 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 will be available in high use areas along with cleaning supplies for use by staff.⁴

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 persons 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.

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, and a copy sent to the Administrative Offices of the Courts.

SO ORDERED, this 16th day of July, 2020.



David K. Smith
Chief Superior Court Judge
Cherokee Judicial Circuit

³ <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html> & <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/hand-hygiene.html>