

**IN THE JUVENILE COURTS
MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIA**

**IN RE: Compliance with May 11 and *
June 12, 2020 Orders of the *
Chief Justice of the Georgia *
Supreme Court, as amended, *
and with the Standing Order *
of the Superior Courts of the *
Mountain Judicial Circuit ***

Standing Order of the Courts

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**STANDING ORDER FOR ONLINE AND IN-PERSON PROCEEDINGS
DURING THE COVID-19 PANDEMIC**

I. PURPOSE AND DURATION

The Chief Justice of the Georgia Supreme Court on May 11, 2020 entered an order requiring that, prior to resuming any “extensive” in-person court proceedings, each court must develop written guidelines as to how “...in-court proceedings generally and particular types of proceedings will be conducted to protect the health of the litigants, lawyers, judges, court personnel, and visitors.” That order further mandates that the written guidelines must address certain specific matters to ensure compliance with the recommendations of public health authorities. The terms of the May 11 Order were continued in force by subsequent order entered on June 12, 2020.

The Judge of the Juvenile Courts is mindful of the unique nature of judicial proceedings in that the participants are often compelled to attend and that, as a result, the courts must take precautions beyond those which might be appropriate in a business or other setting.

The following standing order is, therefore, entered to ensure recommended best practices are in place for the purpose of promoting the safety of all participants in the

Juvenile Court judicial process. It is anticipated that this order shall remain in effect for so long as the Covid-19 virus remains a public health threat in the communities served by the Juvenile Courts of the Mountain Judicial Circuit.

The issue of health screening of court personnel also required to be addressed by the Order of the Chief Justice is not contained herein, but is provided for by separate internal operating procedures of the courts or by written personnel policy adopted by the court.

The Chief Justice has established a task force for the purpose of providing assistance and guidance concerning many of the issues addressed by this order. It is, therefore, anticipated that this order may be amended based on guidance provided by the task force or based on a change in recommended best practices.

Therefore, in accordance with the order and direction of the Chief Justice, this Standing Order is entered after consideration of guidelines issued by the Centers for Disease Control (CDC), the Georgia Department of Public Health (DPH), the National Center for State Courts (NCSC), and consultation with State and Local Health officials.

II. ONLINE PROCEEDINGS

The Chief Justice's Order and the Standing Order of the Superior Courts of the Mountain Judicial Circuit contemplates that whenever practicable proceedings shall continue to be held online and, further, encourages the increased use of technology "...as a preferred alternative to in-person proceedings..."

The following matters shall be heard online unless the court finds that the hearing should take place in-person as a result of the impracticality of presenting the case online or because an in-person hearing is required to secure a party's

constitutional rights: In dependency cases, **Any case requiring a continuance for good cause shown, Evidentiary hearings in uncontested matters, and Adoption Status Hearings.** In delinquency cases, **Consent Adjudications and/or Dispositions and uncontested Court Reviews.** Proceedings may also be held online as set forth below when necessary to accommodate a high-risk individual.

Provided, however, that the court may, sua sponte or on the motion of a party, recess the virtual proceeding and reschedule the matter for an in-person hearing at the court's earliest convenience, subject to the requirements that high-risk persons be accommodated.

Consistent with the Order of the Chief Justice and the Standing Order of the Superior Courts of the Mountain Judicial Circuit, attorneys and parties are encouraged to consent to scheduling other matters for virtual hearings when possible. Preference shall be given in scheduling matters for hearing where there is an agreement for the matter to be heard online.

III. PROCEDURE FOR ONLINE/VIRTUAL HEARINGS

The Judge shall select an online platform such as Microsoft Teams, Webex or Zoom on which court proceedings may take place. The attorneys and litigants participating online by personal computer or smartphone through the selected platform must be able to hear the other participants, the Court, and any witnesses. The participants shall also have access to video to the extent feasible.

Attorneys and their clients must be able to communicate privately during the proceedings both orally and in writing either through a private meeting function on the

platform application, by muting the other participants, or by private text or cell-phone conversation. The Court may grant reasonable breaks to permit the attorneys to speak privately to their clients.

The oath may be administered to witnesses by the Court Reporter, the Court, or the attorney calling the witness. A witness sworn online will be considered for all purposes as the oath having been administered in person.

The court reporter may be present in the courtroom with the judge or online with access to the audio and, if possible, video for any proceedings for which a record is required to be made and shall be available on request in civil proceedings.

Exhibits shall, if possible, be individually labeled and scanned prior to the hearing so that they may be uploaded and viewed by the parties and the Court. If a document is admitted in evidence, the Court Reporter shall save or print the exhibit for inclusion in the record.

In order to ensure that dependency proceedings and any other Juvenile Court hearings that may be designated as “open” hearings are open to the public as required by law: Each daily court session (or each proceeding, depending on the application or platform used) shall be assigned a link by which any member of the public may listen to and/or view the entirety of the proceedings by joining the “meeting” as an observer or “webinar” participant. Notice that the proceedings will be held online shall be posted on the website of the Clerk of Court along with a notice that anyone who wishes to attend should contact the office of the Clerk or the office of the assigned judge for the link to be used to access the particular court session or proceeding.

If the number of persons seeking to attend a virtual proceeding exceeds the limit permitted by the platform or application (e.g. 250 on Microsoft Teams), the

proceedings shall be continued until the first available date following the expiration of the emergency order or until arrangements can be made for the proceedings to be live-streamed so that they may be viewed by an unlimited number of persons, whichever first occurs.

There shall be made available in each courthouse at least two (2) computers (with a webcam, if possible) for use by litigants. Each such computer shall be maintained in a separate room in the courthouse so as to avoid any contact between litigants, particularly in proceedings under the Family Violence Act.

All proceedings shall be subject to the provisions of O.C.G.A. § 15-111-700 and Uniform Juvenile Court Rule 13 (or the applicable rule of any other court). Therefore, the proceedings may not be recorded except in accordance with the rules of court. The Court Reporter's transcript shall remain the sole official record of the proceedings.

The outgoing sound or voice for members of the public observing proceedings shall be muted and they shall not speak or use any messaging feature of the application to communicate publicly or privately with the Court, the litigants, or the attorneys. This shall not prohibit private communications between the attorneys and their clients or staff.

Members of the public observing the proceedings shall not "unmute" themselves so that they can be heard, nor shall they speak or otherwise disrupt the proceedings. Attorneys, parties and observers in any online proceeding are expected to behave as they would in a courtroom. Any person who disrupts a proceeding shall be subject to removal from the proceedings. A person who seriously or repeatedly disrupts proceedings, thereby interfering in the administration of justice, shall be subject to the contempt power of the court.

If an attorney or party believes that a proceeding cannot effectively be heard or presented in the manner required, they may move the judge for an order waiving the requirements of this rule and providing for an in-person hearing.

IV. IN-PERSON PROCEEDINGS

As to proceedings held in-person:

- A. The total number of persons inside the bar of the court and in the courtroom audience shall not exceed the maximum occupancy as posted outside the courtroom or other space.
- B. Persons seated in the courtroom shall maintain at least 6 feet of distance from other persons. Provided, however, that persons who occupy the same household shall not be required to distance from each other, but only from other persons in the courtroom. Seating within the bar shall be adjusted as necessary; for example, the witness may be seated in the jury box to maintain the required distance from the judge and reporter. Attorneys may move closer to their clients as needed to communicate confidentially.
- C. All persons shall wash their hands with soap and water prior to entering the courtroom. If hand-washing stations are available outside the courthouse, they shall be used prior to entry into the courthouse.
- D. Hand Sanitizer shall be available at each counsel table.
- E. All persons present in the courtroom shall use a face covering. If the proceeding for which the person is present is relatively brief (1 hour or less), a cloth face covering, including those which are home-made shall be sufficient. If the proceedings are extended (1 hour or longer) surgical face

masks are recommended. Attorneys shall be responsible for supplying their own face covering. Parties should provide their own face covering. PPE may be provided if available.

F. Attorneys shall not be permitted to approach a witness who is testifying.

G. All matters shall be specially set for a date certain based on the time estimate provided by counsel or the parties (if self-represented).

a. In the event that the courtroom seating capacity is insufficient to accommodate all those persons who wish to attend a proceeding, priority for courtroom seating shall be given on a first-come, first-served basis and those who cannot be accommodated shall be provided with access to view the proceedings remotely. Remote access may be provided by either “broadcast” of the proceeding to a monitor in another location within the courthouse where additional seating is available or by providing remote access to a link whereby the proceedings may be viewed online, or both. In any event where members of the public are accommodated by remote access, the proceedings shall be accessible with “live” sound and video.

V. ACCOMODATION FOR HIGH-RISK INDIVIDUALS

“High Risk” means someone who has a risk factor for severe illness if they contract the Coronavirus and is defined by the CDC as including:

- People 65 years and older;
- People living in a nursing home or long-term care facility;
- People who have chronic lung disease or moderate to severe asthma;
- People who have a serious heart condition;
- People who are immunocompromised;

- People with severe obesity (body mass index [BMI] of 40 or higher);
- People with diabetes;
- People with chronic kidney disease undergoing dialysis; and/or
- People with liver disease.

Any person who is considered “high risk” shall not be required to participate in in-person proceedings. If the person who is high-risk is a witness, their testimony may be presented by videoconference. If the high-risk person is a party or attorney, the matter shall be continued and rescheduled to take place at such time as a change in their health or the public health situation relating to Covid-19 makes this requirement moot. Provided, however, that if the matter is urgent and cannot be continued, the proceedings shall take place online, so long as the party so affected consents to such procedure or their right to confrontation is determined to be satisfied. U.S v. Carter, 907 F. 3d 1199, 1208 (9th Cir. 2018).

VI. SANITIZATION OF THE COURTHOUSES AND COURTROOMS

All common areas of the courthouses, including the courtrooms, hallways, bathrooms and elevators shall be sanitized in accordance with the CDC publication *Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools and Homes*. Prior to resuming extended in-person hearings, the courts shall confirm that the County Governing Authorities’ commitment to satisfaction of the applicable requirements by, for example, use of approved cleaning products and routine disinfection of frequently touched surfaces. To the extent practicable the published CDC guidance regarding building ventilation shall also be followed.

VII. ACCESS TO THE COURTHOUSE AND COURTROOMS

In order to protect the public health, including the health of court employees, parties, court participants and all individuals, the Sheriff of each county is directed to prominently post notices in the following form and to enforce the terms thereof:

NOTICE: BY ORDER OF THE JUDGES OF SUPERIOR COURT:

IN ORDER TO PROTECT THE PUBLIC HEALTH YOU MUST NOT ENTER THE COURTHOUSE IF:

- 1. YOU OR ANYONE YOU HAVE HAD CONTACT WITH IN THE LAST 14 DAYS HAS TESTED POSITIVE FOR COVID-19/CORONAVIRUS;**
- 2. YOU HAVE BEEN DIRECTED TO SELF-QUARANTINE BY A PHYSICIAN, MEDICAL PROFESSIONAL OR PUBLIC HEALTH OFFICIAL; OR**
- 3. YOU ARE NOW OR HAVE EXPERIENCED THE FOLLOWING SYMPTOMS WITHIN THE LAST 14 DAYS: COUGH, SHORTNESS OF BREATH OR DIFFICULTY BREATHING, FEVER, CHILLS, MUSCLE PAIN, HEADACHE, SORE THROAT, NEW LOSS OF TASTE OR SMELL, NAUSEA, VOMITING OR DIARRHEA.**

IF YOU ARE SUBJECT TO ANY OF THE REQUIREMENTS ABOVE, YOU MUST NOTIFY THE DEPUTY STATIONED AT THE COURTHOUSE ENTRANCE. WHILE YOU WAIT OUTSIDE, ONE OF THE JUDGES OR THE OFFICE YOU ARE SEEKING TO VISIT WILL BE CONTACTED IMMEDIATELY AND WILL DETERMINE HOW YOUR BUSINESS MAY BE ACCOMODATED WITHOUT ENTRY INTO THE COURTHOUSE.

ALL PERSONS SEEKING TO ENTER THE COURTHOUSE ARE SUBJECT TO HAVING THEIR BODY TEMPERATURE CHECKED BY INFRARED THERMOMETER. ANY PERSON WHOSE BODY TEMPERATURE EXCEEDS 100° FARENHEIT SHALL BE REFUSED ENTRY

ALL VISITORS TO THE COURTHOUSE ARE REQUIRED TO WASH THEIR HANDS PRIOR TO ENTERING THE BUILDING, IF HAND-WASHING STATIONS ARE AVAILABLE. IF NOT, THEY MUST DO SO IMMEDIATELY UPON ENTRY. VISITORS ARE REQUESTED TO WEAR A FACIAL COVERING WHILE THEY ARE IN THE BUILDING

NOTICE: BY ORDER OF THE JUDGES OF SUPERIOR COURT:

ALL PERSONS ENTERING THE COURTROOMS SHALL WEAR A FACE COVERING OVER THEIR MOUTH AND NOSE, UNLESS DOING SO WOULD ADVERSELY AFFECT THE HEALTH OF THE INDIVIDUAL OR WHERE THE INDIVIDUAL IS LESS THAN TWO YEARS OF AGE. IF THE PROCEEDINGS ARE EXPECTED TO LAST AN HOUR OR MORE, USE OF A SURGICAL FACE MASKS IS RECOMMENDED

NOTICE: BY ORDER OF THE JUDGES OF THE SUPERIOR COURT:

IF YOU ARE CONSIDERED MEDICALLY “HIGH RISK” FOR SEVERE ILLNESS IF YOU WERE TO CONTRACT THE CORONAVIRUS, DEFINED BY THE CDC AS INCLUDING:

- **PEOPLE 65 YEARS AND OLDER;**
- **PEOPLE LIVING IN A NURSING HOME OR LONG-TERM CARE FACILITY;**
- **PEOPLE WHO HAVE CHRONIC LUNG DISEASE OR MODERATE TO SEVERE ASTHMA;**
- **PEOPLE WHO HAVE A SERIOUS HEART CONDITION;**
- **PEOPLE WHO ARE IMMUNOCOMPROMISED;**
- **PEOPLE WITH SEVERE OBESITY (BODY MASS INDEX [BMI] OF 40 OR HIGHER);**
- **PEOPLE WITH DIABETES;**
- **PEOPLE WITH CHRONIC KIDNEY DISEASE UNDERGOING DIALYSIS; AND/OR**
- **PEOPLE WITH LIVER DISEASE.**

YOU ARE NOT REQUIRED TO ENTER THE COURTHOUSE OR PARTICIPATE IN IN-PERSON PROCEEDINGS. IF YOU BELIEVE THAT YOU ARE “HIGH-RISK,” YOU SHOULD CONTACT THE OFFICE OF THE ASSIGNED JUDGE FOR INSTRUCTIONS OR ASK THAT THE CLERK OF COURT OR COURTHOUSE SECURITY DO SO ON YOUR BEHALF. THE SAFETY OF HIGH-RISK PERSONS SHALL BE SECURED BY MAKING ARRANGEMENTS FOR THEM TO ATTEND COURT ONLINE, BY VIDEO OR TELEPHONE CONFERENCE, OR BY CONTINUANCE OF THE MATTER TO A LATER DATE.

VIII. CONCLUSION

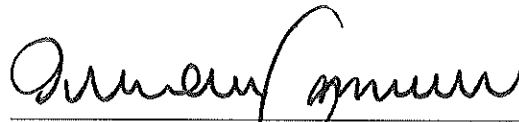
This Standing Order shall be prominently posted at the courthouse entrances and on the websites of the Clerk of each County so as to give advance notice to the litigants, the lawyers and the public.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Russell W. Smith with a copy of this Order;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected; and

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 22nd day of June, 2020 at 3:00 p.m. in Clarkesville, Habersham County, Georgia.



B. Nichole Carswell, Chief Judge
Juvenile Courts
Mountain Judicial Circuit