

**IN THE MUNICIPAL COURT OF THE CITY OF EUHARLEE
STATE OF GEORGIA**

**GUIDELINES FOR SAFE OPERATIONS OF MUNICIPAL COURT
DURING COVID-19 RECOVERY**

Pursuant to the order extending Declaration of Statewide Judicial Emergency by the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, due to the spread of the Coronavirus/COVID-19, this court may conduct essential and non-essential in-person judicial proceedings, and will resume these proceedings, but only in compliance with current health guidance provided by the Federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and local health departments.

It is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, defendants, court personnel, judges, lawyers, and all others with whom the court comes in contact in keeping with general public health guidelines and the order of Chief Justice Melton.

The court hereby adopts and includes as part of this order by reference the Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery. These guidelines address how in-court proceedings generally, and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. These guidelines were adopted and published by the Council of Municipal Court Judges of Georgia and are attached hereto as Exhibit "A". This order and the adopted guidelines shall be prominently posted at the courthouse entrance and on court and government websites of the City of Euharlee, Georgia to provide advance notice to defendants, lawyers, and the public.

The following guidelines and precautions, but not limited to, will be strictly followed as an order of the court. to ensure that everyone has the opportunity to handle their judicial matter safely and efficiently.

1. The court shall conduct virtual hearings by video conference or teleconferencing when possible and when the court determines it to be necessary. Individuals shall have the voluntary option to participate virtually with the use of their own device. In the event that an individual does not have a device to participate with, or if an in-person appearance is preferred, a device will be provided to communicate with the judge and solicitor if necessary when appearing. Conferences will be conducted in a room that provides all individuals with social distancing and that is sanitized and disinfected as frequently as practical.
2. Signs with health and safety guidelines will be posted inside and outside the municipal court building.
3. Court personnel will be stationed outside the municipal court building conducting check-in and screening procedures. Screening will include a series of questions and temperature checks with a contactless temperature scanner before entry to the building. Entry will be denied if an individual answers 'YES' to any of the health screening questions. Entry will also be denied to anyone with a fever of 100.4 degrees or higher as well as persons reporting a fever above 100.04 degrees in the past 72 hours.
4. Any person denied entry for health reasons will have his or her case continued.

5. The following information will be collected from any person denied entry for health reasons: name, contact information, and the specific reason for denying entry.
6. Individuals will not be allowed to congregate in common areas while waiting to access the courtroom
7. Arrows will be placed on the floors to direct foot traffic as well as floor markings to ensure six feet of social distancing at all times.
8. The maximum number of individuals allowed in the courtroom shall be limited to twelve at any one time. This will include court personnel, attorneys, and litigants
9. To facilitate social distancing any spectators are required to be pre-approved by the judge or The clerk or court prior to the court date.
10. Defendants 21 and under may have one (1) parent or guardian attend the court hearing with them. The court should be notified prior to the court date
11. We discourage children being present, therefore if you do not have childcare, we will allow you one (1) continuance for this reason. Please call the clerk's office to request a continuance.
12. To facilitate social distancing, after check-in, individuals may be asked to wait inside their vehicles or outside the facilities until notified it is time for them to enter the building.
13. All court personnel shall wear a face covering (mask or cloth) when six (6) foot distancing cannot be accommodated, and at all times when in public areas of the building and shall be permitted to provide their own mask or face covering.
14. All individuals will be required to wear a face covering (mask or (cloth) at all times while inside the building for their protection and the protection of others. All individuals are encouraged to wear their own face covering, but should they arrive without one, a disposable mask will be provided for them.
15. Individuals entering the building may bring their own hand sanitizer, and there will be hand sanitizer stationed throughout the courtroom and the building. All individuals are asked to sanitize hands upon entry and exit of the building.
16. Restrooms shall be well-stocked with soap and paper towels at all times.
17. Defendants and attorneys have been encouraged to bring their own writing utensil, preferably a blue pen, to prevent unnecessary exposure. If they do not arrive with their own writing utensil, a pen will be provided with them and they will be instructed to take it with them when they leave.
18. All defendants, attorney's, and court personnel shall observe at least six feet of social distance at all times.
19. General infection control measures include cleaning and disinfecting building/court/probation/lobby areas including frequently touched objects and surfaces including door handles, countertops, work surfaces, security screening equipment, computers, other equipment, and seating throughout the public areas, courtroom, conference room, and other court staff areas.
20. Defendants have been notified that they are not required to do so, but if their case does not require a mandatory appearance, they may contact the solicitor for the court to discuss a possible resolution of their case.
21. Notices which include health and safety measures that the court is taking to limit the transmission of COVID-19 are mailed to each individual. The notices also include the following information:
 - Individuals who are ill, or have been around someone who is ill, are instructed not come to court. They are to stay home and call the clerk's office to request a continuance.

- In addition, defendants 60 years of age or older and other high-risk individuals who are not yet comfortable with coming to court due to increased risk, are asked to call the clerk's office to request a continuance.
- Individuals who plan to plead not guilty and would like to request a bench trial date are asked to contact the clerk's office.
- Non-English speakers who will require an interpreter to assist with court proceedings, are asked to contact the clerk's office prior to the court date, so the case can be continued to a date when an interpreter will be available.

Employees are frequently reminded to maintain social distancing, wear a face covering, wash their hands, and remain home if sick or in contact with someone known or suspected to be positive for COVID-19. Court staff and judges shall be required to report such illness or contact, take a test if directed, and isolate and/or quarantine as required by the applicable Department of Public Health (DPH) Administrative Order for Public Health Control Measures.

When there is reason to believe that anyone who works at or has visited the court facility has been exposed to COVID-19, DPH or the local health department shall be notified and notification of persons who may have been exposed shall occur as directed. This process shall occur according to policies, procedures, and/or protocols recommended by DPH and/or the local health department.

Any additional requirements imposed by the Governor's Office, the Georgia Supreme Court, or by the Council of Municipal Court Judges are hereby applicable to the court.

This order shall be effective until modified or suspended by the court.

SO ORDERED this 12th day of August, 2020.



SAMIR J. PATEL, JUDGE
Euharlee Municipal Court



Council of Municipal Court Judges

Council of Municipal Court Judges Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery

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Judge Parag Shah

District Six
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Judge Clayton Davis

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Joseph Sumner
Judge Dexter Wimbish

District Nine
Judge Pamela Boles
Judge Claude Mason

District Ten
Judge Graham McKinnon
Judge Ryan S. Hope

With the gradual expansion of services offered by the Courts, certain guidelines will have to be followed in order to ensure the safety of both the Court staff and the public that come in contact with the Courts. Given the diversity of the Municipal Courts, it is impossible to create a one-size-fits-all policy that will suit big city and small city Courts alike. However, there are certain principles that apply across the board. These guidelines and best practices are presented by the Council of Municipal Court Judges in order to help each Court create its own individual policy conducting business during COVID-19 recovery.

We recognize that resources vary widely throughout the State and not all of these best practices will be available in every Court but they should be followed to the extent practicable.

PERSONNEL/STAFF

- Implement staggered shifts for all possible workers and /or implement teleworking for all possible workers;
- Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment;
- Where possible, stagger workstations to avoid employees standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces;
- Require all employees to wear face coverings at all times;
- Consider temperature checks of employees upon entering work each day; and
- Require workers who exhibit signs of illness to not report to work or to seek medical attention.

NOTIFICATION

The standard notification for hearings for defendants and other witnesses and necessary parties will need to be modified.

At a minimum, in addition to the standard information regarding date, time, and location of the hearing, include information about how to contact the Court to request an automatic 30-60 day continuance in the event that the noticed party:

- is a member of an immune-compromised population (or living in a household with someone who is immune-compromised);
- if they are over 65; and
- if they have small children and do not have child care.

You may want to include information about interpreters or other reasonable and necessary accommodations so that people know how to request an interpreter or other accommodations ahead of time to avoid an unnecessary trip to the building. Consider having a separate calendar for those who need interpreters to avoid additional trips to the Courthouse for the interpreter.

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Individuals who feel uncomfortable leaving their homes during the pendency of the Shelter-in-Place order should be allowed a courtesy reset upon request.

COURTROOM MANAGEMENT

Low-Density Population

Governor Kemp's Executive Order dated April 23, 2020 provides certain guidelines to ensure the safety of individuals required to be in proximity to one another for business purposes. The Executive Order does not allow for any municipal government to allow gatherings of persons outside their residence who do not reside together, with only limited exceptions.

In order to meet with those exceptions, the following is necessary:

- Maintain a six (6) foot distance between individuals who do not reside together.
- Do not schedule more individuals to arrive at the Courtroom (including staff) than the dimensions of the courtroom can accommodate to allow a six (6) foot distance between the individuals.
- Calculate this by measuring the square footage of the seating area of the room. There should be no more than one defendant for every six (6) square feet of space.
- Consider a maximum of 25 people total per session considering the allowance per the formula.

Staggered Scheduling

Although it is common practice in most Courtrooms under normal circumstances to have large calendar calls, under these unusual circumstances, stagger the arrival of defendants and other necessary individuals so that there are not a large number of individuals arriving at the same time. For example, if your Courtroom can accommodate twelve (12) people, do not schedule your normal fifty (50) person calendar for 8:30 a.m. Schedule the first 12 for 8:30, the second 12 for 10:00, and so on.

Screening

Consider having some sort of screening process for individuals before they enter your Courtroom.

- Have a series of questions you ask each individual upon entry to the building, such as:
 - whether or not they have traveled to or from any areas in which COVID-19 is particularly active;
 - if they or anyone in their household have experienced symptoms of COVID-19; or
 - if they have been tested for the virus.
- If possible, their temperature can be taken and anyone with a fever higher than 100.4 degrees should be refused admission and their case continued.

Staging

Do not allow patrons to congregate in waiting areas or common areas. Design a process to ensure patron separation while waiting to be seated that can include:

- Floor markings;
- Outdoor distancing;
- Waiting in cars; or
- Utilization of tenting.

TYPES OF HEARINGS

Initial hearings, preliminary hearings, and bond hearings, have long been authorized by statute to be done by video conference. See O.C.G.A. 17-4-47. Consistent with Chief Justice Harold Melton's April 6, 2020 "Order Extending Declaration of Statewide Judicial Emergency," the use of video and teleconferencing is

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encouraged “to reduce backlogs when the judicial emergency ends.” Municipal Court Rule 15.2 also allows for the expanded use of video conferencing to take pleas in criminal cases, conduct probation revocation hearings, and other cases.

Use of conference calls, computer programs such as WebEx, Zoom, Skype, Google, and others are relatively low-technological solutions that are widely available and inexpensive and can be used creatively for all sorts of hearings with the active and informed consent of all parties involved. When doing so, ensure compliance with the recordation required in Municipal Court Rule 26.

If your Court does not already have one, consider instituting a policy which would allow defendants to waive arraignment. When allowing defendants to do so, make sure that the policy ensures the preservation of all constitutional rights protected by the arraignment process.

COURTROOM MANAGEMENT

Protective Equipment

All courtroom staff should be properly equipped with masks and should be educated on and given the opportunity to wash their hands frequently. Equipment such as telephones and computer keyboards should not be shared.

If possible, handwashing or hand sanitizing stations should be available to both staff and the public. Suggestions include:

- Directing individuals to the sinks in the bathroom
- Separate sanitation stations,
- Frequently placed hand sanitizer dispensers, or
- Providing sanitizing wipes for people to disinfect surfaces they must touch, such as door handles, chair arms, and pens.

Enact policies and procedures to encourage Social Distancing for patrons and employees. Measures may include:

- Protective Plexiglass screens at service counters and at payment windows;
- Decals on the floor or aisles with messaging on Social Distancing;
- Signs throughout the Court giving visuals and information on Social Distancing;
- Allowing anyone who brings their own protective equipment to wear it;
- Providing masks for individuals who do not have their own;
- Allowing each individual who signs a document to retain the pen he or she uses to avoid cross-contamination.
- Disallowing the gathering of large groups in common areas like lobbies and parking lots.

Flow

Consider the route that people will take through your building and/or Courtroom. Enact policies and procedures that encourage Social Distancing, such as:

- Roping or taping off certain seating areas or hallways;
- Placing arrows on the floors to direct foot traffic; or
- Require people to enter through one door and exit through another.
- Coordinate with other stakeholders located in your building to maximize efficiency of effort.

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Open Courtroom Concerns

Many individuals bring support persons when they come to Court. While this is normally encouraged in Georgia's open Courtrooms, this may prove difficult when ensuring the low-density population in the Courtroom to provide the necessary social distance safety requires. When possible, allow anyone in the Courtroom who wishes to be there, so long as the low-density population rules and Social Distancing rules are followed. When this is not possible, have a policy in place that limits the constrictions on an open courtroom. Consider having a live YouTube or Facebook or Zoom or other link that you can provide for individuals who want to see what is going on in the Courtroom. Consider rotating individuals in and out as quickly as possible.

SIGNAGE

Place a sign near the entry of the building/Courtroom and in other prominent places that states that individuals who have a fever or other symptoms of COVID-19 shall not enter the Courthouse.

Place a sign in prominent places reminding individuals to wash their hands frequently and to cover their mouths and noses when they cough and sneeze.

Use arrows and tape to direct the flow of foot traffic through the building.

SANITATION

Do your best to keep the Courtroom and the Courthouse sanitized at all times. Use disinfectant wipes and sprays on chairs, benches, tables, and other shared furniture and equipment between uses, including between each Court session.

Request that the bathrooms and other shared facilities be cleaned and sanitized regularly. Check to see that bathrooms are cleaned and well-stocked with soap and paper towels at all times.

Be sure to coordinate with the stakeholder located in the building with your Court to combine efforts.

GRANTS

Many of these measures cost money, which can be hard to come by. There are some grants available, notably some through the [Georgia Emergency Management](#) (email request) and the [Department of Justice](#).

CONCLUSION

This is uncharted territory for all of us, and we are trying our best to come up with reasonable policies that take into account the needs of the Courts and the public while keeping everyone's safety in mind. If you have any further questions or concerns, please do not hesitate to contact the Council or your local district representative.

Sincerely,

*Judge Dale "Bubba" Samuels, President
Council of Municipal Court Judges*