

IN THE PROBATE COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

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PROBATE COURT MUSCOGEE COUNTY, GEORGIA FILED ON: JAN 20 2021 DEPUTY CLERK Vg
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SECOND ORDER AND GUIDANCE DURING JUDICIAL EMERGENCY

This Order repeals and replaces the Order and Guidance During Judicial Emergency entered by the Muscogee County Probate Court on September 18, 2020 and filed September 21, 2020 in its entirety.

In accordance with the Georgia Supreme Court's Orders Declaring and Extending the Statewide Declaration of Judicial Emergency, the Muscogee County Probate Court issues the following Order and Guidance to clarify the Court's current emergency operating procedures and advise the public and members of the Bar of the steps the Court is taking to safely increase operations while responding to the on-going COVID-19 pandemic.

This Order is an effort to coordinate operating guidelines among different classes of courts and non-judicial entities sharing courthouse facilities.

GENERAL OPERATIONS

In an effort to prevent closure of all Probate Court operations due to potential staff COVID-19 exposure, the Court has implemented an alternating week "in the office" followed by a "work from home" staffing policy. Also, no more than 50% of the staff is allowed in the office at any given time. While we hope this staffing policy will reduce the likelihood of a complete Probate Court shut down, it has impacted the rate the Court can process filings.

The Court continues to explore the use of technology to offset productivity losses. We ask all individuals interacting with the Probate Court to demonstrate patience and professionalism ... bearing in mind that the entire Probate Court staff is trying their best to perform court functions as safely and efficiently as possible under the circumstances.

Therefore, to keep visitors and staff safe during the pandemic, the Court implements the following rules and policies:

1. All services provided by the Court remain **by appointment only**. Walk-in services remain suspended.
2. All individuals must wear a mask over their mouth and nose at all times that they are in the Probate Court while in a space shared with another individual. (Failure to do so may subject the non-complying individual to contempt sanctions.)
3. All individuals must practice social distancing by remaining 6 feet away from all

“unrelated individuals”¹.

4. All individuals visiting the Probate Court shall follow the recommendations of the Center for Disease Control and the Georgia Department of Public Health. Individuals shall refrain from coming to the Court, even if they have an appointment, if they have a fever, symptoms of respiratory illness, or have been exposed to a person with coronavirus, flu, or any other communicable disease.
5. To the extent consistent with this Order, the public shall comply with all other rules and regulations governing their safety and conduct while in the Government Center including directives, rules and policies issued by the Muscogee County Sheriff and the Columbus Consolidated Government.

PROBATE COURT CLERK’S OFFICE OPERATIONS

The Court will endeavor to conduct as much business as possible by email, phone, via mail and other courier delivery methods including monitored “drop off” and “pick up” boxes located outside the office doors.

The Court recognizes **in rare and exceptional cases** some court functions and/or individuals require in-person filings. Therefore, when appropriate, and solely within the discretion of the Court, in-person court filings will be permitted by appointment.

CONTACTING THE COURT

Due to the Court’s COVID-19 staffing arrangement, the Court needs to centralize communications. Accordingly, communication with the Court shall be as follows:

Email – Unless otherwise directed, **do not email the judges or clerks directly**. Please send all email correspondence exclusively to: probategeneral@columbusga.org.

Phone – Unless otherwise directed, **do not phone the judges or clerks directly**. Please direct all telephone calls to: (706) 653-4333.

COURT FILING

Please note, to eliminate confusion between original documents and color copies, regardless of filing method, **only original documents may be in color**.

Effectively immediately, the Court has two methods for filing:

1. **Mail filings** to: Muscogee County Probate Court, P.O. Box 1340, Columbus, GA 31902. (The street address is: 100 Tenth St., 6th Fl., Columbus, GA 31901 for private delivery companies such as Fed Ex and UPS.)

¹ Unrelated individuals are persons who do not live in the same household or do not have an attorney-client relationship.

- A stamped copy of the filing will be mailed back to you if the copy is provided with a return self-addressed, stamped envelope.
 - Alternatively, filers may elect to have their stamped copies placed in the Court outbox located outside the office doors (an email will be sent when it has been processed and ready for pick-up).
2. **Drop off filings** and pick up filings in the drop boxes located outside the office doors.
- A stamped copy of the filing will be mailed back to you if a copy is provided with a return self-addressed, stamped envelope
 - Alternatively, filings will be placed in the outbox for pick up (an email will be sent when it has been processed and ready for pick-up).

PAYMENT METHODS AND FEES

Accepted payment methods by mail/drop box:

- Attorney checks only (no personal checks from their clients)
- Money Orders / Cashier's Checks

Except for recording and certification fees, **all** court costs and fees (including applicable “add-ons” such as ADR, IDF, and Law Library fees) will be due at the time of filing. The remaining balance for recording and certification fees (if applicable) are due upon the entry of a final order. A copy of the fee schedule as established under O.C.G.A. § 15-9-60 may be downloaded at www.columbusga.gov/Probate .

ESTATE RESEARCH PORTAL AND TITLE SEARCH APPOINTMENTS

Over the past year the Probate Court has worked to update its case management system. During the declared judicial emergency, the Court completed its data conversion and case management system upgrade. As a result, the Court now is capable of offering a fee based online portal subscription service that allows subscribers to access all data previously stored in the Court's three prior case management software systems. The portal will also allow subscribers to view all public documents filed since March, 2020.

Effective September 21, 2020, during the judicial emergency, to reduce the number of individuals that would otherwise need to come to the Probate Court to conduct a title search, the Court will make the **online portal subscription service available for free** to those that would otherwise need physical access to the Court to conduct a title search. To request a subscription, please send an email to: probategeneral@columbusga.org and put Portal Subscription in the subject line of the email.

While the Court hopes the online portal will reduce the frequency of in-person estate research, the Court will continue to allow in-person research with the following restrictions:

- By appointment only.
- To facilitate contact tracing, the Court will no longer schedule same day estate research appointments.

- No more than 2 researchers will be permitted in the Court at a time
- Researchers must maintain social distancing and remain in the the main waiting room if they need clerk assistance. (Because clerks are to give priority to other scheduled appointments, if a clerk is helping another customer, the researcher will be required to wait until the clerk has completely finished with the other customer before the researcher will receive assistance.)

PROBATE COURT HEARINGS

The Court hereby incorporates by reference the Order On In-Person Proceedings in the Chattahoochee Judicial Circuit issued by the Honorable Bemon G. McBride III, Chief Judge of the Superior Courts of the Chattahoochee Judicial Circuit on July 17, 2020. (The Chief Judge's Order is attached as Appendix A.) Failure of an individual to comply with the Order On In-Person Proceedings in the Chattahoochee Judicial Circuit may result in contempt sanctions².

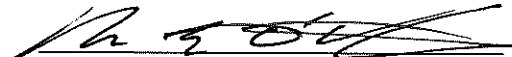
In deference to the need to address the backlog of for criminal jury trials, upon resumption of jury trials in Muscogee County, probate court jury trials shall remain suspended pending further order.

In light of the Georgia Supreme Court's Orders and the Chattahoochee Judicial Circuit's July 17, 2020 Order, while maintaining the public's right of access to judicial proceedings, the Court shall continue to use and increase technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, except in the rare circumstances where doing so is not practicable for technical or other reasons. Also, under the appropriate circumstances, the Court has the capability to and remains receptive to "hybrid hearings" (where some participants appear in-person and others appear via video conference) as a safer alternative to a in-person proceeding where all parties and witnesses are present in court.

On a case-by-case basis, the Court shall determine whether and the extent in-person and video-conference hearing are appropriate as an alternative to continuing the matter.

This Order is subject to change as circumstances change but unless modified by further order shall remain in effect for as long as the Supreme Court of Georgia's Declaration of Judicial Emergency remains in effect.

So ORDERED this 6th day of January, 2021.


Marc E. D'Antonio, Judge
Muscogee County Probate Court

² The Probate Court interprets the Chief Judge's reference to "paper or cloth" and later "paper, plastic or cloth" masks to include masks made of other materials including the synthetic materials composing most N95 masks. The Probate Court will not hold an individual in contempt for wearing a mask made of a material other than "paper, cloth or plastic."

**IN THE SUPERIOR COURTS OF CHATTAHOOCHEE, HARRIS, MARION,
MUSCOGEE, TALBOT AND TAYLOR COUNTIES
STATE OF GEORGIA**

: **EX PARTE** No. _____
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**ORDER ON IN-PERSON PROCEEDINGS IN THE CHATTAHOOCHEE JUDICIAL
CIRCUIT**

By order of the Chief Justice of the Supreme Court of Georgia, court functions in the Chattahoochee Judicial Circuit have decreased significantly since initial declaration of a Statewide Judicial Emergency on March 14, 2020. A Fourth Order Extending Declaration of Statewide Judicial Emergency was issued on July 10, 2020, such order being incorporated herein by reference, attached hereto and extending prohibition of jury trials until at least August 11, 2020. This latest order contemplates further possible prohibitions on jury trials and most grand jury proceedings after August 11, 2020. While such order permits some non-jury functions, continued risks from the Covid 19/Coronavirus pandemic ("Covid 19") do not allow resumption of anything approximating usual court operations in the Chattahoochee Judicial Circuit.

Pursuant to Sec. V(A) of the order of July 10, 2020, the undersigned Chief Judge of the Chattahoochee Judicial Circuit imposes the following operating restrictions for in-person court proceedings in civil, domestic, criminal, juvenile and administrative proceedings in all classes of courts of Chattahoochee, Harris, Marion, Muscogee, Talbot and Taylor counties:

1. This order shall remain in effect from five o'clock (5:00) p.m. on July 21, 2020 until the earlier of: (a) resumption of jury trials in the Chattahoochee Judicial Circuit; or (b) further order. This order supersedes and replaces all prior guidelines and orders entered for the Chattahoochee judicial circuit for in-person and remote video conferenced proceedings since March 14, 2020.

2. Courts should and are strongly encouraged to continue to use videoconference technology for all hearings except in-person hearings required by law. In exceptional and compelling individual cases where continuance is not justified under the circumstances and it is

impracticable to proceed by videoconference technology, in-person proceedings in strict conformity with this order shall be permitted on a case-by-case basis, such in-person proceedings to be in isolated and rare cases. Such in-person proceedings should not generally be on dockets with other cases. Hearings which cannot be conducted by videoconference technology should generally be postponed or continued whenever it is legally permitted to do so.

Under NO CIRCUMSTANCES shall any person be compelled against their will to appear for live in-person proceedings if the court proceeding or facility in which it is to be held is not in compliance with the above-referenced order of July 10, 2020.

The judge presiding over any given matter has sole discretion to continue a case or to proceed virtually. Preferred platforms for video conference technology include, but are not limited to, Zoom, Microsoft Teams, and WebEx. Which platform to use is a decision committed to the sole discretion of the judge presiding in any given matter. Such proceedings to use video conferencing platforms shall include, but not be limited to, civil non-jury trials and other non-jury adjudicative proceedings where allowed by rules of court (including emergency amendments thereto). In civil, criminal, juvenile and administrative proceedings not otherwise expressly authorized for video conference technology, litigants may expressly consent on the record to remote proceedings.

When video conferencing platforms are used to conduct proceedings, all litigants, counsel, witnesses and other essential court personnel shall abide by such decision. Each judge shall designate staff members under his or her supervision to facilitate and organize video conferenced proceedings. It shall be the sole responsibility of each pro se party and each lawyer to make arrangements for witnesses to testify from remote locations.

3. Until further order, it is contemplated that in-person proceedings shall be the exception, not the rule, in all courts of the Chattahoochee Judicial Circuit. For in-person proceedings required by law, the following guidelines shall apply:

ACCESS TO COURT: All persons arriving for court must wear a face mask covering their mouth and nose. All persons attending any court proceeding shall be required to submit to screening at a location to be determined by the sheriff. This screening shall include questions as to whether the person is experiencing fever, shortness of breath, chills, muscle pain, headache,

sore throat and new loss of taste or smell. Moreover, temporal lobe scanning shall be utilized when readily available to screen entrants arriving for court proceedings, with temperature readings in excess of 100.4 degrees Fahrenheit to be reported immediately to the appropriate judge.

PERSONAL PROTECTIVE EQUIPMENT: Personal Protective Equipment (“PPE”), including, but not limited to masks (paper or cloth), MUST be worn CORRECTLY and cover the wearer’s nose and mouth by all who attend or appear for court in the Chattahoochee Judicial Circuit as follows:

ALL visitors, Columbus Consolidated Government employees, employees of other counties, states and municipalities, litigants, attorneys, witnesses, jurors and courthouse personnel who enter courtrooms, specially designated courtrooms at other government facilities, the common areas of a courthouse immediately adjacent to any courtroom, jury rooms, jury assembly rooms, witness sequestration rooms, judge’s chambers, clerk’s offices, law libraries attendant to the courtrooms, or any other room regularly used when court is in session (“court facilities”) SHALL wear a personal protective mask of paper, plastic or cloth. The Court does not have a supply of masks for visitors, but masks will be made available in limited supply by security personnel at the Columbus Consolidated Government Center for visitors to that facility. All arrangements for procuring and fitting a mask must be accomplished and completed in advance of any trial, hearing or other court proceeding and shall not interfere with the timely start of court. Court reporters or interpreters who utilize a stenography or interpreting device requiring the use of a mask may remove their mask while utilizing that device. For purposes of this paragraph, “court facilities” upon which this face covering requirement is imposed shall include the entirety of the Harris County Courthouse, Hamilton, Georgia and the entirety of the Columbus Consolidated Government Center complex, including all floors of the tower, west wing and east wing, Columbus, Georgia.

CONTACT TRACING REQUIREMENTS, FOLLOW UP MEASURES AND INMATES:

All persons over the age of 18 years and the parent or guardian of any minor entering ANY courtroom in the Chattahoochee Judicial Circuit shall be required to register their presence (and the presence of any minor in their company) on a form provided by the sheriff for the purpose of contact tracing, with such persons to provide the court visited, complete names, dates

of birth, physical residential addresses, email addresses and telephone numbers where such persons may be contacted or messages may be left during business hours. Such information shall be maintained and secured by the Sheriff of the county in which court is being conducted until further order. A sample sign-in sheet in compliance with this paragraph is attached to this order. With regard to persons who work in a court facility, any such person with known or suspected Covid-19 infection shall follow all isolation and quarantine measures in accordance with the Georgia Department of Public Health Seventh Amended Administrative Order for Public Health Control Measures and any amendments or subsequent versions thereof or as otherwise directed by their healthcare provider.

In consultation with his or her county health department, the sheriff of each county in the Chattahoochee Judicial Circuit shall take measures to promote safety and health of inmates and other persons during transportation to and from court as specified in the Georgia Court Reopening Guide and all amendments thereto, such document being attached to this order.

SOCIAL DISTANCING: For all court proceedings, social distancing shall be required. Within all courtrooms, a six foot space must be maintained at all times between persons who do not live in the same household or do not hold the relationship of attorney and client (“unrelated persons”). All unrelated persons attending the proceeding must sit six feet apart in the gallery. The courtroom will be considered “full” when such distancing measures reach capacity of available space in the courtroom. Unrelated persons waiting in hallways, lobbies and other areas outside courtrooms shall maintain social distancing. Visitors to full courtrooms will be admitted on a first come, first served basis as persons exit the courtroom. When capacity is reached in the hallways, lobbies and other areas outside courtrooms, the sheriff shall direct new arrivals to a convenient nearby location where social distancing can be maintained.

4. It is not the intention of any judge of the Chattahoochee Judicial Circuit to impose restrictions beyond what is necessary to ensure the safety of all who enter our courthouses. All judges and court staff anticipate the day when administration of justice returns to its normal course. Until such time, judges and court personnel are urged to work with those who have business before the courts to provide access and a fair and timely hearing of their concerns.

5. Clerks of Court are ordered to post this order to their court websites; at entrances to courthouses and clerk's offices; and at other locations to give maximum public notice.

SO ORDERED, this 17th day of July, 2020, 3:15 pm

Bem G. McBride III

Bemon G. McBride III, Chief Judge
Chattahoochee Judicial Circuit