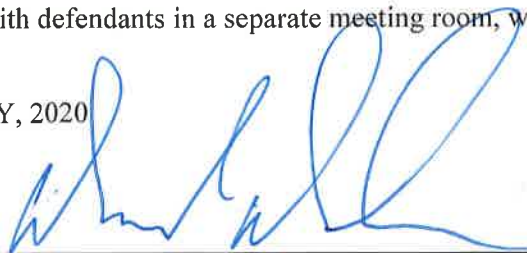


**COURT OPERATING PROCEDURES**  
**EFFECTIVE MAY 21, 2020**

In light of the issues related to the quarantine and the current judicial emergency, the Municipal Court of Austell will implement the following procedures to address the safety of the public and Court personnel.

1. Chairs will be removed from the courtroom so that no more than 30 defendants can be in the courtroom at any one time. Additional chairs will be placed in the lobby/hallway for those who are attending court. Appropriate social distancing will be maintained at all times in the Courthouse/Threadmill Building.
2. People who arrive for Court will sign in and then wait in the lobby with social distancing as directed by Court personnel. At sign in, defendants and counsel will have their temperature taken and will complete a form regarding their possible exposure. Those persons with a temperature in excess of 99.5 degrees or a risk of exposure will not be admitted and their case will be rescheduled.
3. Persons coming to court will be encouraged to wear masks, Those persons who cannot bring their own masks will be provided one by court personnel. No one, including children, will be permitted past the sign in table who is not wearing a mask and they must continue to wear the mask the entire time they are in the building.
4. While persons are waiting for their case to be called, they will be able to view a video advisement regarding court procedures and the rights held by defendants in criminal cases.
5. Court proceedings will also be broadcast outside the courtroom so that members of the public and those accompanying defendants will be able to observe and hear.
6. Court interpreters will be made available to non-English speaking defendants. They will have gloves, masks, and will observe social distancing.
7. The court will provide pin-pad equipment so that defendants can pay fines without submitting debit/credit cards to Court personnel.
8. If a defendant is entering a plea on a non-arrestable charge or one which would be a non-appear, the defendant shall not be brought before the Judge, but shall wait as directed by the bailiff for the Judge to review the plea agreement and return the plea paperwork to the bailiff. At the conclusion of the case the defendant shall receive a copy of the sentence sheet. For all other cases the defendants shall come before the Judge for review of the plea agreement, entrance of sentence (if approved) and further processing. The defendant shall receive a copy of the sentence sheet at the conclusion of the proceedings. If the defendant is receiving a probated sentence, the defendant will receive the sentencing sheet and information regarding probation after meeting with probation officials, and providing a valid current mailing address.
9. Prosecutors shall be made available to confer with defendants in a separate meeting room, with screens and social distancing.

SO ORDERED THIS 8 DAY OF MAY, 2020



JUDGE DAVID P. DARDEN  
CHIEF JUDGE  
MUNICIPAL COURT OF AUSTELL

## MUNICIPAL COURT OF AUSTELL

### REOPENING GUIDELINES

JULY 2020

Georgia Supreme Court Chief Justice Harold D. Melton's Fourth Order Extending Declaration of Statewide Judicial Emergency issued on July 10, 2020 requires courts to use the "Georgia Court Reopening Guide" as a template for such operating guidelines which must include all subject matters contained therein, among other requirements. Therefore, the Municipal Court of Austell ("Court") hereby adopts the following operating guidelines to supplement the mandatory guidelines issued by the Chief Superior Court Judge of the Cobb Judicial Circuit. These operating guidelines shall be modified as public health guidance is modified, and shall remain in effect until public health guidance indicates that they are no longer required.

#### 1. General Infection Control Measures

The Court will follow applicable public health guidance from the CDC, DPH, and Cobb & Douglas Public Health. The Court will comply with COVID-19 procedures, protocols, and policies developed and implemented by Cobb County government. The Court shall continue to coordinate public health efforts with other courts in the Cobb Judicial Circuit.

Employees and the public are required to wear a mask or face covering when entering the courthouse. Masks have been provided to employees. The Court maintains the discretion to allow an individual to remove his/her face covering temporarily when it is safe and necessary.

#### 2. Hearings/Pleas

The Court shall continue to deal with pleas in an open courtroom with public access whenever possible. Attorneys and parties will receive a notice with instructions for these hearings. All procedures will be utilized to minimize the handling and passing of paper between counsel, the parties and Court staff.

Areas of the Courtroom are currently taped to minimize contact between the parties, counsel and court staff. Please be mindful of these taped areas. Also, because Court matters are very brief, all seating has been removed from the Courtroom. Seats can be provided if needed. No more than 10 persons will be in the courtroom at any time and they will be instructed to stand in a taped area to remain socially distant.

If a defendant, attorney or witness has a fever or symptoms of COVID-19 and have an upcoming hearing, please contact the Clerk's office as soon as possible. Please be aware that temperatures are being taken with thermal scanners upon your entry to the Courthouse.

Please enter the Courtroom as directed. You will have an opportunity to speak with the prosecutor in a separate room. Once your matter has concluded, please exit the Courthouse to protect the health of yourself and the public. Do not linger in the Courtroom, lobbies or hallways.

Hand sanitizer and public restrooms are available for the public to frequently wash and/or sanitize their hands and Courtrooms and public areas are cleaned and sanitized regularly.

### 3. Provide Notice to the Public of Increased Health and Safety Measures

The operating guidelines applicable to the Court have been posted on-line, at the courthouse, and submitted to the Administrative Office of the Courts. To further disseminate this information, some existing court notices have been modified and supplemental notices drafted to include COVID-19 screening procedures and court contact information for those that do not meet the criteria for courthouse entry. The Court will continue to develop such modified notices as necessary. Signage and floor decals have been installed to assist in screening and maintaining social distancing.

### 4. Provide Health and Safe Access to the Courtroom

The Court will continue to adhere to the COVID-19 courthouse entry screening procedure guidance from the CDC, DPH, and Cobb & Douglas Public Health.

### 5. Healthy and Safe Court Employees

Court staff are working in-person at the Courthouse each day full time. Staff work and break areas have been modified as necessary to allow for better spacing and reduce sharing certain work equipment. Windows between the public and court staff in the Clerk's Office shall remain closed when possible.

Court staff may be temperature checked each day.

Court staff have been provided hand sanitizer and masks. Court offices, work spaces, and public areas will be more frequently and deeply cleaned than before the pandemic.

Employees are frequently reminded to maintain social distancing, wear a face covering, wash their hands, and remain at 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 DPH Administrative Order for Public Health Control Measures.

When there is reason to believe that anyone who works at or has visited the Court has been exposed to COVID-19, DPH and/or Cobb & Douglas Public Health 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 Cobb & Douglas Public Health. To further keep the community informed, if there is a confirmed positive COVID-19 case at the Court, we will continue to publicly release relevant, non-identifying information.

SO ORDERED, THIS 21 DAY OF JULY



JUDGE DAVID P. DARDEN  
MUNICIPAL COURT OF AUSTELL

**Municipal Court of Austell**  
**Virtual Court Proceedings**  
**January 2021**

In accordance with the Order of Chief Judge Robert Leonard of Cobb Superior Court, due to the spike of COVID-19 cases in Cobb County, all courts in Cobb are to handle all non-essential matters virtually beginning January 18, 2021. Therefore the City of Austell will be conducting court proceedings virtually via Zoom until further notice. This allows defendants to resolve their judicial matters while ensuring compliance with current health guidelines to protect the public as well as court personnel. Virtual court sessions will be held three Thursday nights per month at 5:30 pm on the same dates set for live court in 2021.

Defendants will need access to a computer, tablet, or cell phone that is equipped with a camera and microphone and a stable internet connection. If you do not have access to those devices, or require other accommodations, please contact Court Services. Defendants will be required to present a valid Photo Identification at the time their court session. If the Defendant has the Zoom app, they can access the court virtual session by entering the Meeting ID number. This number will be the same for each court night. If Defendants do not have the Zoom app, they can access the virtual court session by either entering the URL for the Zoom call (provided to them on the ticket with the attached sticker) or they can go to the homepage of the Court Clerk and click the link to be connected to the virtual court proceeding.

When Defendants make this initial Zoom connection, this will connect the Defendant with the prosecutor so they can discuss the case prior to Court. Following these negotiations, the case can be directed and handled as follows:

1. If negotiated charge is a payable, the Defendant will be instructed on how to pay the fine. The Clerk's office will prepare an information sheet to be sent to Defendants, with the sentence sheet, which will inform them of the different ways the fine can be paid. This will include a cash payment to be received physically by the Clerk's office in a way which does not involve actual contact.
2. If negotiations lead to the entry of a plea before the judge, the Defendant will be directed to exit the Zoom call and immediately connect to a new Zoom call just as they did originally. The prosecutor will give the Defendant the Meeting ID number of this new Zoom call which will connect the Defendant directly to the judge in the courtroom. If they do not have Zoom they will be directed to the Clerk's home page and click on the link for "Austell Courtroom." They will then enter a second Zoom call with the judge and the judge will review the file and take the plea.
3. Any cases in which a fine is to be paid, the Defendant will be given thirty days to pay (not on probation). If the fine has not been paid in thirty days, the Defendant will be given a reset date and must appear in court live if the fine is not paid by that date. If they appear live and cannot pay the fine, they may be put on probation to get it paid.

4. Probation cases: Upon sentencing, the Defendant will be sent information on how to contact the probation department and the sentence will require as a condition of probation that the Defendant make the contact in a timely manner.
5. Revocation cases: These are deemed essential and will be handled live. This includes cases in which the Defendant is in custody.
6. Code cases: As these cases relate directly to the safety and health of Austell citizens, and are ow in number, they are deemed essential. The Code Enforcement officer, however, is only to schedule such cases for live Court after giving the Defendant a defined period of time to bring the property/condition into compliance.
7. The following link can be used to access court proceeding: ZOOM Meeting ID 850 8473 2041

SO ORDERED THIS 15 DAY OF JANUARY, 2021



JUDGE DAVID P. DARDEN

CHIEF JUDGE, MUNICIPAL COURT OF  
AUSTELL