

FILED IN OFFICE

June 30, 2021

Theresa A. Bane

SUPREME COURT OF GEORGIA

**IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT
STATE OF GEORGIA**

2021-EX-00118

FILED IN OFFICE
JUN 30 2021
Theresa A. Bane
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN RE: Declaration of Judicial Emergency

Date: June 30, 2021

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AMENDED ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that since the initial entry of the Statewide Judicial Emergency Order on March 14, 2020, significant progress has been made in mitigating the effects of COVID-19 on the justice system in Georgia and in the Atlanta Judicial Circuit. The Court further finds and determines, however, that significant risks remain to the citizens of Fulton County as to contracting COVID-19, especially given the spread of virus variants and the uncertain effectiveness of currently available vaccines against those variants. After consultation with Fulton County Public Health authorities, this Court finds that the continued existence of these risks infringes upon the ability of litigants and the public to have access to the courts. Moreover, while concerns regarding COVID-19 may be waning in many communities, those observations are of actions taken voluntarily. In the case of the courts, additional consideration must be given to the fact that attendance by most persons at court proceedings is pursuant to compulsory process. Thus, in order to exercise good stewardship of that compulsory authority, the courts must remain cognizant of the continuing risks of and lingering concerns about COVID-19 in our community, and must act prudently to safeguard those we summon to the Courthouse. To act otherwise could undermine confidence in the courts, and, in turn, the rule of law. The Court finds that these conditions constitute a serious emergency pursuant to O.C.G.A. § 38-3-60(2)(D).

WHEREAS, IT IS HAS FURTHER BEEN DETERMINED that as of June 30, 2021, the above-referenced Statewide Judicial Emergency Order has been in effect for 474 days. The extended prohibition on the full operation of our justice system has created an inability and incapacity to immediately resume full judicial operations when the present extension of the Statewide Judicial Emergency Order expires on June 30, 2021. In view of these circumstances there exists a need to restore operations at a reasonable, yet brisk, pace, so as to permit the orderly administration of justice. Failure to return to full operations at a reasonable rate would jeopardize the courts' ability to protect the rights of litigants, and would endanger the normal functioning of the judicial system. The Court finds that the existence of these circumstances also comprises a serious emergency as described in O.G.G.A. §38-3-60(2)(D).

THEREFORE, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Christopher S. Brasher of the Superior Court of Fulton County, Atlanta Judicial Circuit, DOES HEREBY ORDER AND DECLARE, based upon the findings set forth above, the existence of a Judicial Emergency in the Atlanta Judicial Circuit. Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in the Atlanta Judicial Circuit. The period of this Judicial Emergency shall be for not longer than 30 days, shall take effect at 12:00 a.m. on Thursday, July 1, 2021, and shall expire at 11:59 p.m. on Friday, July 30, 2021.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the Court hereby takes the following actions:

1. The Court suspends, tolls, extends, and otherwise grants relief from the time deadlines within which to try a case for which a demand for speedy trial has been filed.

2. The Court suspends any deadline regarding the scheduling of adjudication hearings for youth who are detained according to O.C.G.A. §15-11-472 and for those who have been removed from the parent/guardian's home/custody and placed in the temporary custody of the Department of Family and Children Services as child is alleged to be dependent (deprived) according to O.C.G.A. §15-11-181.
3. The Court tolls the deadline for application for a renewal of a license pursuant to O.C.G.A. §16-11-129 for the period of this Judicial Emergency Order, and any extension thereto.
4. The Court tolls, suspends, and grants relief from the running of the 90-day period within which to have charges presented to a grand jury, as contemplated by O.C.G.A. §17-7-50, for any person in the custody of the Sheriff of Fulton County as of the date of this Order for the duration of this Order.

Additionally, it is further ORDERED that the public health measures put in place by this Court in its Guidelines for Expanding In-Person Proceedings which were adopted as an Order of this Court on June 12, 2020, shall remain in place during the term of this Order. Such requirements include the mandatory wearing of face coverings by all who enter into Court facilities and the observance of proper social distancing by persons within Court facilities.

Should the state of judicial emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

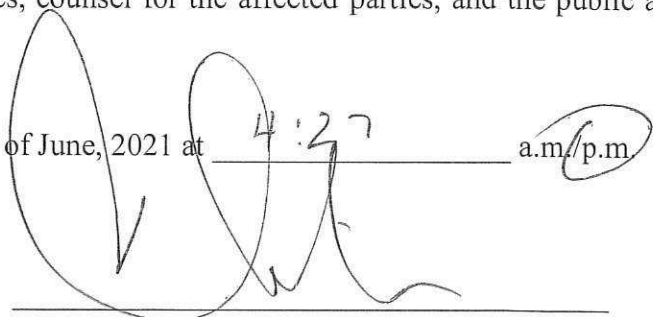
IT IS ORDERED that the Sheriff of Fulton County shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished through reasonable means to assure expeditious receipt;

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 on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the undersigned shall otherwise give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public as required by O.C.G.A. §38-3-63.

IT IS SO ORDERED this 30th day of June, 2021 at 4:27 a.m./p.m.



CHRISTOPHER S. BRASHER, Chief Judge
Fulton County Superior Court
Atlanta Judicial Circuit