

IN THE JUVENILE COURT OF UPSON COUNTY

STATE OF GEORGIA

COURTHOUSE GUIDELINES

The following guidelines are hereby adopted by this Court for hearings to be held in person pursuant to Section 4 of the Supreme C

ourt of Georgia's Judicial Emergency Order, filed May 11, 2020.

1.

Video Conferencing is encouraged, where feasible, practical, or agreed upon by all parties.

2.

The Sheriff shall display, at the courthouse entrance, a sign conforming to the requirements set forth in the "Second Order Extending Declaration of Statewide Judicial Emergency" filed May 11, 2020, referenced above. Said signage shall state the requirement that all persons seeking entry must respond to minimal, but necessary, questions concerning whether they currently have COVID-19 or certain recognizable symptoms of the disease. The Sheriff shall make those inquiries of those individuals who seek to enter through the front doors of the courthouse and shall also administer an infrared test of the temperature of each person. Entry shall be denied according to the Center for Disease Control (hereafter 'CDC') guidelines. This will include anyone with a fever, having been exposed to someone with COVID-19 within the last 30 days, or having traveled outside the United States within the last 30 days, or who has other symptoms such as shortness of breath, cough, chills, or respiratory problems. When the Sheriff denies entry to an individual, the

Sheriff shall inquire if said individual is as court litigant or witness, and if so shall promptly notify the presiding Judge and Clerk. All individuals making entry into the courthouse must wear a mask to prevent the spread o COVID-19. All elected officials and/or department heads shall be responsible for applying CDC guidelines.

3.

Any courthouse employee testing positive for COVID-19 shall be isolated, in accordance with the Department of Public Health (DPH) Seventh Amended Administrative Order for Public Health control measures. Anyone with COVID-19 exposure likely to result in infection shall be quarantined in accordance with the aforesaid Order.

4.

When there is reason to believe that anyone who works in or visited a court facility has been exposed to COVID-19, the local Health Department and the Presiding Judge of this court shall be notified. All resulting protocols mandated by the local Department of Health or DPH, in response to notification, shall be followed.

5.

The Sheriff and Presiding Judge shall instruct all courtroom attendees to be respectful to others and observe all social distancing recommendations by the CDC, individuals maintaining a distance of at least six feet from others. No more than two individuals will sit at either of the attorney's tables. The first bench behind each table shall be reserved for the respective attorney's staff. To further assist with compliance, the courtroom, and all other rooms within the courthouse where courtroom attendees may be sequestered shall be marked with green tape. Sneeze guards shall be available for all staff members sitting at or near the Judge's bench in all courtrooms. Hand sanitizer

shall be available for all courtroom attendees. Sanitizer will be provided at each podium for the ease of sanitation between parties. The microphones, desktops, and other commonly touched items within the courtroom shall be sanitized before and after each hearing.

6.

Every reasonable accommodation shall be made for individuals age 65 and older, and those with pre-existing conditions as recognized by the CDC as rendering an individual at an increased risk of COVID-19. Such accommodations may include excusing the individual from attendance, isolating the individual from other attendees, permitting that individual to participate via videoconference, etc.

7.

Essential hearings are subject to interpretation; however, some matters that fall into the essential function category are, at a minimum: (a) where and immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available, (b) juvenile court delinquency detention hearings and emergency removal matters. Factors that could be considered in determining if a hearing is essential are as follows: (a) whether or not there has been a finding of a probable cause finding after a preliminary hearing or waiver thereof for a child who has been removed from the home into foster care or detention (b) whether or not there has been an adjudication of delinquency for a child who remains detained after a detention hearing or a waiver thereof; (c) whether or not any party has filed a petition and/or motion requesting an immediate change in a child's custodian/guardianship circumstances. As to *essential hearings*, the same shall be scheduled under the normal rules existing in the provisions of Title 15 of Chapter 11 of the

Official Code of Georgia Annotated except that, at the courts discretion, said hearings may be held via videoconferencing so long as said hearing(s) comport with the due process of law.

8.

Non-essential hearings shall be scheduled using the time lines established by the provisions of Title 15, Chapter 11 of the Official Code of Georgia Annotated and the tolling periods in the Judicial Emergency Orders and SHOULD BE SCHEDULED AS REMOTE VIDEO HEARINGS when practical to do so. A 'calendar call' may be conducted by the Court and further direction given as to times assigned per case OR the Clerk of Court or such other designated court personnel member shall assign specific times assigned to each case and notify all attorneys, CASA, probation and pro se litigants. Attorneys shall provide all video conferencing information to their clients and witnesses. If any litigants does not have access to the technology necessary to participate in a video conference, the court should direct the pro se litigant to their attorney to contact the assigned clerk and the alternative arraignments should be made to allow the litigant to participate in the hearing. If necessary that a continuance be granted to effectuate alternative arrangements, the courts should grant such a continuance for good cause shown. Each court should develop and provide written instructions to each attorney and/or pro se litigant on how videoconference hearings will be conducted along with the virtual locations of said hearing.

9.

All delinquency and CHINS adjudication hearings and contempt matters shall be held in-person unless said requirements is waived by all parties. In each case where a delinquency or CHINS adjudication hearing or a contempt matter is required the court should inquire of the parties

whether they are amendable to conducting a videoconferencing hearing. If the parties do not desire to do so, the court may, at the court's discretion, enter an order in any individual case requiring the time requirements set forth under normal rules existing in the provisions of Title 15 of Chapter 11 of the Official Code of Georgia Annotated to be instituted and thereafter schedule an in-person hearing following the guidelines and directives set forth herein OR the court may continue the matter until after the Judicial Emergency Order terminates.

10.

For court hearings that cannot be accomplished via videoconferencing, the time for hearings shall be staggered as to reduce the number of persons present in the courtroom who are involved in matters other than the ongoing hearing. Should the number of persons present in any portion of the courthouse exceed that number resulting in the inability to remain safely distant from others in that room or space, the Sheriff shall request those individuals who are not essential to the hearing to move to an area outside the courthouse. In determining who is essential to the hearing, the Sheriff may consult with the Judge. Priority seating shall be given to all litigants of the ongoing hearing and their attorneys, necessary court personnel, members of the press, supporters of the litigants, and the general public, in that order.

All public defenders and private criminal attorneys are highly encouraged to meet with their clients prior to any video court hearing or in person hearing as court time is extremely limited.

11.

Inmates or youth in detention shall appear via video conferencing and following the procedures and/or guidelines of the Sheriff of each respective Court.

SO ORDERED this 23rd day of July 2020.



JUDGE STEPHEN D. OTT

Presiding Judge, Juvenile Court

Griffin Judicial Circuit