

IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER:

ORDER EXTENDING EMERGENCY PROCEDURES IN RESPONSE TO COVID-19

In accordance with the Order of Extension issued by the Justices of the Supreme Court of Virginia extending judicial emergency procedures from April 6 through April 26, 2020 in recognition of the States of Emergency declared by the President of the United States, and the Governor of the Commonwealth of Virginia, the Circuit Court of Hanover County hereby orders as follows:

Except as provided in the Order of Extension, the Hanover Circuit Court and Hanover Circuit Court Clerk's office shall remain operational and provide services required by law while, at the same time, maintaining protections for the health and safety of court users and personnel. Personnel will be available during normal business hours to respond to telephonic inquiries and to process electronic, faxed, and mailed filings.

Access to the Hanover Circuit Court Clerk's Office shall be limited to persons involved with the following essential functions of that office: marriage licenses; recordation of documents in the deed books; docketing judgments; financing statements; scheduled probate, executor or administrator appointments; private process servers; applications for new concealed handgun permits; notary qualifications; confessions of judgment; minister qualifications; and, military discharge papers.

Deliveries by UPS, FedEx, and the United States Postal Service, and provision of services by permitted vendors, are allowed.

Search warrant affidavits and inventories shall be filed by certified mail or electronically as provided by Virginia Code Section 19.2-57.

Applications for renewal of concealed handgun permits shall be submitted by mail in accordance with Virginia Code Section 18.2-308.010.

Court appointed attorneys shall file DC-40 forms while in court or electronically.

Copy requests shall be handled by telephone and filled by mail or electronically.

Civil suits and pleadings shall be filed by mail or by e-filing.

The number of authorized visitors to the clerk's office shall be controlled by the Clerk of Hanover Circuit Court. In no case shall more than ten visitors to the clerk's office be allowed simultaneously.

With the exception of matters enumerated herein, all applicable deadlines, time schedules, and filing requirements including any applicable statute of limitations which would otherwise run during the period this extension order is in effect, are hereby tolled and extended pursuant to Va. Code Section 17.1-330(D) for the duration of this Order.

All civil, traffic, and criminal matters, including jury trials, except for emergency and other matters as provided below, shall be continued. Routine proceedings including, but not limited to, non-emergency warrants in debt, unlawful detainers, issuance of garnishments, and writs of eviction shall be continued during the period this Order is in effect and for any subsequent extension. The following process shall be employed for:

Criminal matters set April 6 to April 24, 2020 shall be continued to June 15, 2020 at 9:00am in Court Room 2 for status only.

Civil matters currently set during April 6 to April 24, 2020 shall be continued to June 15, 2020 at 9:00am in Court Room 1 for status only. Counsel of record and/or self-represented litigants not available on that date may send correspondence to chambers indicating available dates or attend via telephone if possible. If counsel of record or self-represented litigants have agreed on a new date, which is available to the Court, they may set the new hearing or trial date with chambers directly via (804) 365-6161.

In any matter heard or considered by a court, the judges shall exercise their discretion as necessary in determining whether the matter is urgent and must be heard without delay in order to protect important liberty and constitutional interests and the health and safety of the parties, and others necessarily involved and affected by the proceedings.

The court's determination that a criminal case must be heard will be made by the judge on a case-by-case basis. Considerations shall include the liberty interests of the defendant; the health and safety of the parties, attorneys, court personnel, and others necessarily involved; and, the ability of the court to safely proceed, taking into account the ability of the court to use technology as authorized by law, social distancing, and other protective measures.

The court shall give precedence on the docket to emergency matters including, but not limited to:

- quarantine or isolation matters
- criminal arraignments
- bail reviews
- protective order cases
- emergency child custody or protective cases
- civil commitment hearings
- petitions for temporary injunctive relief
- proceedings related to emergency protection of elderly or vulnerable persons
- petitions for appointment of a guardian or conservator
- proceedings necessary to safeguard applicable constitutional protections

The judges shall exercise discretion to holding ● ongoing jury trials ● grand jury proceedings ● cases where the defendant is incarcerated ● foster care cases and child dependency cases. The exercise of discretion shall focus primarily on consideration of the liberty and constitutional interests at stake; the health and safety of the parties, attorneys, court personnel, and others necessarily involved; and, the ability of the court to safely proceed, taking into account the ability of the court to use technology as authorized by law, social distancing and other protective measures.

To the extent authorized by law, all matters the court hears pursuant to this Order should be conducted by two-way electronic audio-visual communication if available. Parties, attorneys, witnesses, and others should be allowed to appear by such two-way electronic audio-visual communication in order to reduce or eliminate the need for parties, attorneys, and others necessarily involved to physically appear in the courthouse. If a party, witness, or other participant is unable to participate via the provided secure communication platform such as Polycom or Webex, if available, then upon request to the court, they may participate by telephone. Requests to participate by phone will be liberally granted.

Any ceremonies shall be continued.

The Courts will limit courtroom attendance in any matters that cannot be continued to attorneys, parties, necessary witnesses, interpreters, court personnel, court reporters, bailiffs, and those deemed necessary by the presiding judge and members of the press where permitted by law.

The Courts will issue summonses in lieu of capiases for failure to appear as appropriate in the judge's discretion.

For jury trials that cannot be continued, in addition to current statutory exemptions or accepted excuses for jury duty, the Court will excuse or postpone jury service for jurors who are in a high risk category as defined by the Centers for Disease Control and Prevention (CDC) at <https://www.cdc.gov> , or who are ill, caring for someone who is ill, or are caring for children under the age of 16.

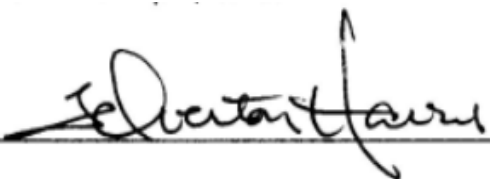
Parties and attorneys are encouraged to file matters electronically in accordance with the requirements as established by the Clerk of the Court.

Individuals with legitimate court business who are ill, caring for someone who is ill, or who are otherwise in a high-risk category, as defined by the CDC, should call the Clerk of the Court to secure appropriate accommodations.

Throughout the suspension period there shall be a liberal continuance policy.

This Order shall be effective beginning April 6 through April 26, 2020. This Order may be extended for additional periods.

Entered this 3rd DAY OF April, 2020:



Judge