

**VIRGINIA:**

**IN THE CIRCUIT AND DISTRICT COURTS OF THE**

**28<sup>TH</sup> JUDICIAL CIRCUIT AND DISTRICT**

WHEREAS, the Governor of the Commonwealth of Virginia issued a “Stay at Home” Order on the 30<sup>th</sup> day of March, 2020 by Executive Order Number Fifty-Five (2020); and

WHEREAS, the Courts of the 28<sup>th</sup> Judicial Circuit and District have determined that, based upon Executive Order Number Fifty-Five (2020) issued by the Governor of Virginia and the Judicial Emergency Order entered by the Virginia Supreme Court on the 27<sup>th</sup> day of March, 2020, the Courts of the 28<sup>th</sup> Judicial Circuit and District are now at mission critical level and should only perform Mission Critical Functions; and

WHEREAS, the Circuit and District Courts of the 28<sup>th</sup> Judicial Circuit and District are authorized under Virginia Code §§ 17.1-207(A)(3) and 16.1-69.35(5) to determine when the courts shall be open for the transaction of business and may authorize the Clerk’s Offices to close when the conditions prevailing would constitute a threat to the health and safety of court personnel and/or the general public.

IT IS THEREFORE ORDERED that the Clerk’s Offices of the Circuit and District Courts shall remain open subject to the limitations set forth in this Order. All in-person court proceedings in the 28<sup>th</sup> Judicial Circuit and District are HEREBY CONTINUED effective April 1, 2020 and will remain continued until further order of the courts subject to the exceptions set forth:

Exceptions to this Order include only Mission Critical Functions for the Courts to perform as are contained in the Pandemic Influenza Benchbook for Virginia’s Court

System, 2010 Edition, as revised July 2017, Appendix C, pages C-1 through C-3 for Circuit Court, pages C-5 and C-6 for General District Court and pages C-8 and C-9 for Juvenile and Domestic Relations Court and attached hereto and made a copy hereof.

IT IS FURTHER ORDERED that no incarcerated person shall be transported to any court without a written order of the court in which that person's matter is pending.

IT IS FURTHER ORDERED that courthouse security of the respective courthouses of the 28<sup>th</sup> Circuit are hereby ORDERED to deny admission into the courthouses to any person exhibiting any symptoms of COVID-19; to any person who has been to a facility that has been identified as having a person tested positive for COVID-19; to any person meeting the criteria established in Paragraph 12 a-f, even if contact under paragraph 12d has only been incidental, of the Judicial Emergency Order entered by the Virginia Supreme Court on March 27, 2020; or to any person arriving and seeking access to courthouse facilities for any reason other than a reason deemed mission critical or incidental thereto.

Since this Order limits access to courthouses and Clerk's offices, it is further ORDERED that each Clerk's office shall provide contact information and business hours at the courthouse public entrance and online.

The Clerks of these courts shall post a copy of this Order and record a copy of the same.

This Order hereby supersedes the previous Order entered on the 16<sup>th</sup> day of March, 2020 by the 28<sup>th</sup> Judicial Circuit and District Court Chief Judges.

This Order shall remain in full force and effect until further order of these courts.

ENTER THIS 1st DAY OF APRIL, 2020.

*Sage B. Johnson*

---

SAGE B. JOHNSON, CHIEF JUDGE  
28<sup>th</sup> Judicial Circuit Court

*Eric R. Thiessen*

---

ERIC R. THIESSEN, CHIEF JUDGE  
28<sup>th</sup> General District Court

*Joseph B. Lyle*

---

JOSEPH B. LYLE, CHIEF JUDGE  
28<sup>th</sup> Juvenile & Domestic Relations District Court

**APPENDIX C: MISSION CRITICAL AND ESSENTIAL FUNCTIONS**

**I. CIRCUIT COURT**

**A. Mission Critical Functions**

1. Conduct emergency (time sensitive) hearings (includes administrative support functions associated with hearings such as processing of all necessary paperwork, managing financial matters).

Examples include, but are not limited to, the following:

- a. Adult protective services – emergency order (63.2-1609)
- b. Criminal cases with speedy trial issues
  - Adults (19.2-243) (In custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
  - Juveniles
    - Transfer- Speedy trial rights attach upon the juvenile court's finding of probable cause in a preliminary hearing (16.1-269.1, 19.2-243)(Juvenile in custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
    - Appeal of a transfer decision where the juvenile is in secured detention (16.1-269.6 (B)) (*Hearing on the merits must be held within 45 days of filing the appeal*)
- c. Guardians/conservators – Appointment (64.2-2001- jurisdiction) (64.2-2007 - hearing) (64.2-2014 Notice and distribution of order - *next business day*)
- d. Injunctions (8.01-620)
- e. Isolation orders
  - Public health significance
    - Appeal (32.1-48.04)(*Priority over all other pending matters, except those under appeal pursuant to 37.2-821, and shall be heard as soon as possible*)
  - Public health threat
    - Review (32.1-48.012)
    - Appeal (32.1-48.013)(*Within 48 hours*)
- f. Judicial authorization of treatment (37.2-1101, includes appointing an attorney)(*Expedited hearing following appointment of an attorney*)
- g. Judicial denial of authorization for abortion appeal (16.1-241(W))
- h. Mandamus (17.1-513)
- i. Mental Health

Circuit Court

- Involuntary admission to an inpatient facility, mandatory outpatient treatment or certification order appeal (37.2-821) (*Filed within 30 days of the order and shall be given priority over all other pending matters and heard as soon as possible*)
  - Forward copies of orders to CCRE 37.2-819
    - Order for involuntary admission (*as soon as practicable but no later than the close of business on the next following business day*)
    - Order for mandatory outpatient treatment (*prior to the close of that business day*)
    - Temporary Detention Order (19.2-169.6 and 19.2-176)
  - j. Protective orders
    - Emergency protective order
      - Family abuse (16.1-253.4)
      - Stalking, sexual battery and acts of violence (19.2-152.8)
      - *Forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-253.4 and 19.2-152.8)*
    - Protective order in pending cases of divorce, custody, support or visitation (20-103 (B))
      - *Forward the order as soon as possible to law enforcement for entry into CCRE (20-103 (D))*
    - Appeal of protective order
      - Family abuse (16.1-279.1) (*Precedence on the docket over other civil appeals 16.1-296 (F)*)
      - Stalking (16.1-106, 19.2-152.10)
      - *Upon issuance, forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-279.1 and 19.2-152.10)*
  - k. Quarantine orders
    - Review (32.1-48.09)
    - Appeal (32.1-48.010) (*Within 48 hours*)
  - l. Voter registration denial - Appeal (24.2-422) (*precedence over all other business of the court and shall be heard as soon as possible*)
2. Conduct bond hearings and appoint counsel (as needed) for defendants in custody (includes administrative support functions such as docketing and processing necessary paperwork and managing financial matters (19.2-158))
- a. Appeal from order denying bail or fixing terms of bond or recognizance (19.2-124)
- Note: videoconferencing should be used, if possible.
3. Conduct arraignments (includes administrative support functions such as docketing and processing necessary paperwork (19.2-254))

Note: videoconferencing should be used, if possible.

4. Provide interpreter services as needed
  - a. Civil cases (8.01-384.1:1 (non-English speaking); 8.01-384.1 (deaf))
  - b. Criminal cases (19.2-164 (non-English speaking); 19.2-164.1 (deaf))Note: Utilize telephonic interpreter services where appropriate
5. Process all incoming time sensitive documents received by mail, fax or over the counter (includes processing of all necessary paperwork and managing financial matters)

Examples include, but are not limited to, the following:

- a. Civil pleadings (17.1-129 – date and time received must be stamped or marked)
  - b. Election results (24.2-668 (Retention of pollbooks, paper ballots and election materials), 24.2-802 (Procedure for recount))
  - c. Fees collected by clerk (17.1-275)
  - d. Land records (55-96, 17.1-223 – time and date stamp)
  - e. Probate taxes and fees (58.1-1712, 58.1-1715, 58.1-1718)
6. Secure and maintain records (17.1-209)
  7. Secure funds received (17.1-211)
    - a. Deposit state monies into State Treasury (2.2-806 (B))
  8. Maintain systems (automated and manual), personnel, technology and communications (telephone, email, internet) necessary to support continuance of operating functions

General District Court

II. GENERAL DISTRICT COURT

A. Mission Critical Functions

1. Conduct emergency (time sensitive) hearings (includes administrative support functions associated with hearings such as processing of all necessary paperwork, managing financial matters)

Examples include, but are not limited to, the following:

- a. Isolation cases (32.1-48.03 and 32.1-48.04) (*Within 48 hours of the execution of any temporary detention order*)
- b. Judicial authorization of treatment
  - Treatment for physical or mental disorder of an adult, includes appointing an attorney (37.2-1101) (*Expedited hearing following appointment of an attorney*)
  - Physical and mental health treatment of adult incapable of giving consent (temporary detention order) (37.2-1104)
  - Medical and mental health treatment of prisoner incapable of giving consent (53.1-40.1)
- c. Protective orders in cases of stalking, sexual battery and acts of violence
  - Emergency protective orders (19.2-152.8)
  - Preliminary protective orders (19.2-152.9)
  - Protective orders (19.2-152.10)
    - Registration of foreign orders (19.2-152.10 (F))
  - Enter and transfer information into VCIN (19.2-152.8(E), 19.2-152.9(B), 19.2-152.10(C)) (*Forthwith, but in all cases no later than the end of the business day the order was issued*)
- d. Mental Health
  - Civil
    - Involuntary commitment hearings (includes appointing attorney and processing necessary paperwork) (37.2-814 through 37.2-817) (*Within 72 hours of execution of the temporary detention order*)
      - Mandatory outpatient treatment order (37.2-817(D))
    - Mandatory outpatient treatment plan review (37.2-817.2) (*Within 5 days, unless being held pursuant to a TDO, then within 72 hours*)
    - Forward copies of orders and forms to CCRE (37.2-819)
      - Order for involuntary admission (*as soon as practicable but no later than the close of business on the next following business day*)
      - Order for mandatory outpatient treatment (*prior to the close of that business day*)

General District Court

- Certification of voluntary admission after being subject to a TDO  
*(as soon as practicable, but no later than the close of business the next following business day)*
- Criminal
  - Emergency psychiatric treatment prior to trial
    - Inpatient treatment (19.2-169.6(A)(1))
    - Issuance of temporary detention order (19.2-169.6(A)(2))
    - Inpatient treatment after hearing on temporary detention order (19.2-169.6(A)(2))(Within 72 hours of execution of TDO)
  - Mental illness determination after conviction but before sentencing
    - Inpatient treatment (19.2-176(A))
    - Temporary detention order (19.2-176(B))
    - Inpatient treatment after hearing on temporary detention order (19.2-176(B))(Within 48 hours of execution of TDO)
  - Mental illness determination after sentencing – Issuance of a temporary detention order for treatment (19.2-177.1)
- 2. Conduct arraignments for defendants in custody (includes docketing and processing necessary paperwork) (19.2-254)  
Note: videoconferencing should be used, if possible
- 3. Conduct bond hearings and appoint counsel (as needed) for defendants in custody (includes docketing and processing necessary paperwork) (19.2-158)  
Note: videoconferencing should be used, if possible
- 4. Provide interpreter services as needed
  - a. Civil cases (8.01-384.1:1) (non-English speaking); (8.01-384.1) (deaf)
  - b. Criminal cases (19.2-164) (non-English speaking); (19.2-164.1) (deaf)Note: utilize telephonic interpreter services where appropriate
- 5. Process all incoming time sensitive documents received by mail, fax or over the counter
- 6. Secure and maintain records (16.1-69.54 through 16.1-69.56)
- 7. Maintain systems (automated and manual), personnel, technology and communications (telephone, email, internet) necessary to support performance of operating functions



III. JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

A. Mission Critical Functions

1. Conduct emergency (time sensitive) hearings (includes administrative support functions associated with hearings such as processing of all necessary paperwork, managing financial matters)

Examples include, but are not limited to, the following:

- a. Cases with speedy trial issues (16.1-277.1)(*Pre-adjudication: In detention – within 21 days; Not in detention – within 120 days; Post-adjudication: dispositional hearing within 30 days*)
- b. Detention hearings (16.1-250) (*the next day on which court sits, but not to exceed 72 hours*)
- c. Detention reviews (16.1-284.1)(*hearing once every 30 days*)
- d. Judicial authorization for abortion (16.1-241(W))(*Precedence over other pending matters and shall be heard and decided as soon as practicable but not later than four days after the petition is filed*)
- e. Judicial consent for emergency surgical or medical treatment for child (16.1-241(D))
- f. Mental Health (Psychiatric Treatment of Minors)
  - Emergency admission (16.1-340)
  - Involuntary commitment (16.1-341)(*hearing to be no sooner than 24 hours and no later than 96 hours from filing of petition*)
  - Mandatory outpatient treatment review (16.1-345.4) (*hearing within 15 days after filing of motion*)
  - Parental admission review - 14+ years objecting (16.1-339)
- g. Newborn children; substance abuse (16.1-241.3) (*Within 21 days of a child's birth*)
- h. Protective Orders
  - Emergency protective orders
    - Family abuse (16.1-253.4)
    - Stalking, sexual battery and acts of violence (19.2-152.8)
  - Preliminary protective orders
    - Children (16.1-253)
    - Family abuse (16.1-253.1)
    - Stalking, sexual battery and acts of violence (19.2-152.9)
  - Protective orders
    - Family abuse (16.1-279.1)
    - Stalking, sexual battery and acts of violence (19.2-152.10)

J&DR District Court

- VCIN - Enter and transfer information (*forthwith but no later than the end of the business day on which the order was issued*)
- i. Removal orders
  - Emergency Removal Orders (16.1-251)
  - Preliminary Removal Orders (16.1-251 and 16.1-252) (*as soon as practicable, but no later than 5 business days after removal of the child*)
- 2. Appoint counsel and guardian ad litem (includes docketing and processing necessary paperwork) 16.1-266, 16.1-268, and 19.2-158  
Note: videoconferencing should be used, if possible
- 3. Conduct bond hearings for juveniles/adult defendants in custody (includes docketing and processing necessary paperwork)  
  
Note: videoconferencing should be used, if possible
  - a. 19.2-158
- 4. Provide interpreter services as needed
  - a. Civil cases (8.01-384.1:1 (non-English speaking); 8.01-384.1 (deaf))
  - b. Criminal cases (19.2-164 (non-English speaking); 19.2-164.1 (deaf))  
Note: utilize telephonic interpreter services where appropriate
- 5. Process all incoming time sensitive documents received by mail, fax or over the counter
- 6. Secure and maintain records
  - a. Record retention and storage (16.1-69.54 through 16.1-69.56)
  - b. Confidentiality of records and reports (16.1-301, 16.1-302, 16.1-303, 16.1-305)
  - c. Disclosure of disposition to superintendent (16.1-305.1) (*within 15 days*)
- 7. Maintain systems (automated and manual), personnel, technology and communications (telephone, email, internet) necessary to support performance of operating functions