



COMMONWEALTH OF VIRGINIA

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

19TH JUDICIAL DISTRICT

4110 CHAIN BRIDGE ROAD-THIRD FLOOR

FAIRFAX, VA 22030-4043

TEL: (703) 246-3367 FAX# (703) 352-8934

WWW.FAIRFAXCOUNTY.GOV/COURTS/JDR

TODD G. PETIT
CHIEF JUDGE

GLENN L. CLAYTON III
GAYL BRANUM CARR
KIMBERLY J. DANIEL
JANINE M. SAXE
THOMAS P. SOTELO
MAHA-REBEKAH ABEJUJELA
JONATHAN D. FRIEDEN
JUDGES

FRANK L. DEIRHOI
JANE P. DELBRIDGE
MICHAEL J. VALENTINE
TEENA D. GRODNER
HELEN LEINER
RETIRED JUDGES

ARNOLD B. KASSABIAN
1976 – 1994
PHILIP N. BROPHY
1974 – 1980

Policies and Procedures of the Fairfax County Juvenile and Domestic Relations District Court for the Provision of Mission Critical Services

(Revised 4/9/2020)

The Fairfax County Juvenile and Domestic Relations District Court (the “**Court**”) continues to monitor the outbreak of coronavirus disease (COVID-19); actions taken by federal, state, and local authorities; and other recent developments; to ensure that its policies and procedures reflect the best evidence currently available about the pandemic. Accordingly, and after considering the liberty and constitutional interests at stake; the health and safety of parties, attorneys, court personnel, and others necessarily involved in the operations of the Court; and the ability of the Court to safely operate; the Court enacts the following revised policies and procedures. They are effective on Thursday, April 2, 2020 and continue through at least **June 10, 2020**, unless amended or rescinded by further court action:

1. Court Personnel. Any Court personnel who have symptoms such as fever, cough, shortness of breath, or have been exposed to the coronavirus shall not report to work but shall promptly report their symptoms to their supervisor.
2. Counsel and Litigants. Any party, counsel, witness, or any other person with legitimate court business who is ill (including, without limitation, any such person who has a fever, cough, or shortness of breath); is caring for someone who is ill; has been exposed to the coronavirus; or is otherwise at high risk, as defined by the Center for Disease Control (CDC) shall notify the Court before appearing for any hearing and request an appropriate accommodation.
3. Non-Case Related Events. **The Court’s non-case related events (including all operator license ceremonies, school court tours, and intern and volunteer programs) are suspended.** The Court shall reschedule affected operator license ceremonies or make alternative arrangements for the distribution of licenses to those affected.
4. Filings. Attorney-filed papers shall be submitted to the court electronically, via email to JDRDC-Filings@fairfaxcounty.gov, with the original mailed to the Court (with a check for all necessary filing fees) within three days thereafter. The filing attorney shall be billed for any filing fees not submitted with the original papers mailed to the Court.

5. Court Preparation. The Court wishes to reduce the periods during which crowds of people are in the courthouse and, particularly, in the hallway waiting areas of the third floor. Accordingly, **for all hearings, the parties and counsel (including, without limitation, the Commonwealth and defense in criminal cases) shall be ready for trial at the time that the matter is scheduled to be heard**. All pretrial tasks (including, without limitation, negotiation of plea agreements and recommendations, meeting with defendants, interviewing and preparing witnesses, and executing agreed orders) shall be completed in advance of the scheduled trial time. Ideally, **all pretrial tasks should be completed before the day of trial**.
6. Agreed Orders. Fully-endorsed agreed orders shall be submitted to the court electronically, via email to JDRDC-Filings@fairfaxcounty.gov, with the original delivered to the Court via mail within three days thereafter. Without limitation, the following matters may be submitted as fully endorsed agreed orders: (1) criminal discovery motions; (2) written agreements as to pretrial release; (3) agreements for the modification of previously entered guilty pleas.
7. Hearing Attendance. **Only necessary persons (e.g. parties, their counsel, and witnesses) shall be permitted in courtrooms during hearings**. All other persons should stay away from the courthouse. **No more than ten persons shall be permitted in any courtroom at any time**. All persons must adhere to social distancing principles at all times that they are in the courthouse.
8. Revised Continuance Policy. Any party, counsel, or witness who has traveled internationally since January 1, 2020; is ill (including, without limitation, any such person who has a fever, cough, or shortness of breath); is caring for someone who is ill; has been exposed to the coronavirus; or is otherwise at high risk, as defined by the Center for Disease Control (CDC) should request a continuance. Consistent with all other legal requirements, a **liberal continuance policy** is in effect for all matters that are not suspended by these policies and procedures.
9. Criminal matters. The Court is hearing the following criminal matters:
 - a. Arraignments and Bond Motions. **Arraignments and bond motions (including motion to amend, modify, or revoke bond) shall be heard daily at 2:30 p.m.** For arraignments and bond motions, each defendant shall appear by video from the applicable detention facility, juvenile intake, juvenile holding, or Shelter Care. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well. **If a defendant's appearance at a bond hearing is not waived, the bond motion shall explicitly state that; otherwise, the defendant's appearance will be deemed waived and the bond hearing will proceed.** Bond motions must be filed by 3:30 p.m. to be heard the next day.
 - b. Detention Hearings. **Detention hearings (including detention review hearings) shall be heard daily at 1:30 p.m.** For all such hearings, the defendant shall appear by video from the applicable detention facility, juvenile intake, juvenile holding, or Shelter Care. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well.
 - c. Advisements. Attorney advisement hearings for defendants arrested and released on bond or recognizance shall be set no earlier than June 11, 2020.

- d. Criminal and Delinquency Trials and Other Hearings. Criminal matters will proceed as follows:
- i. Matters in Which Defendant is in Custody. Trials and sentencing hearings in all criminal and delinquency matters in which the **defendant is held in custody** (e.g., in the Adult Detention Center (ADC), Juvenile Detention Center (JDC), or Shelter Care) **are suspended** and shall be continued by the Clerk of Court. Any objection to the continuance of such a trial or hearing shall be made by emergency motion, filed as far in advance of the originally scheduled date as possible.
 - ii. Trials. **Trials for defendants not held in custody are suspended.**
 1. Trials for defendants not continued in custody pending trial shall be set no earlier June 11, 2020.
 2. Trials for defendants granted a cash or corporate surety bond and indicating an intention to retain counsel shall be set no earlier than June 11, 2020. In addition, the Court shall set an attorney status hearing for each such defendant for a date that is no later than seven days after arraignment. The defendant shall appear at the status hearing by video, unless he or she can only appear in person. If the defendant is released on bond after the arraignment but prior to the status hearing, the status hearing shall be removed from the docket and the defendant does not need to appear at the scheduled status hearing.
 3. Trials for defendants held without bond shall be set no earlier than June 11, 2020. In addition, if the defendant has indicated an intention to retain counsel, the Court shall set an attorney status hearing for each such defendant for a date that is no later than seven days after arraignment. The defendant shall appear at the status hearing by video, unless he or she can only appear in person.
 - iii. Beta Reviews. Beta reviews will proceed as scheduled. The defendant shall appear by video. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well.
- e. Criminal Motions. **Emergency criminal motions shall be heard daily at 10:00 a.m.** If the defendant is incarcerated, he or she shall appear at the hearing via video, unless his or her appearance is waived. Agreed discovery orders may be submitted as usual.
10. Civil Matters. Civil matters, other than child dependency cases, will proceed as follows:
- a. Judicial Authorization for Abortion. All petitions for judicial authorization for abortion shall be heard as emergency motions, within four days after filing.
 - b. Judicial Consent for Emergency Medical or Psychiatric Treatment of Children. All petitions for judicial consent to medical treatment for a child and petitions providing for emergency admission to psychiatric treatment or involuntary commitment and related reviews shall be heard as emergency motions.
 - c. Newborn Children; Substance Abuse. Petitions filed pursuant to Virginia Code section 16.1-241.3 shall be heard as emergency motions.

- d. Protective Orders.
 - i. Preliminary Protective Orders. **Preliminary protective orders shall be heard by affidavit only.**
 - ii. Motions. Motions to amend, modify, extend, or dissolve protective orders (whether arising from a civil filing or criminal case) shall be heard as emergency motions.
 - iii. Other Hearings. Hearings on emergency protective orders and full protective orders shall proceed as usual.
 - e. Removal Orders. Proceedings for emergency and preliminary removal orders and child protective orders shall proceed as usual.
 - f. Emergency Motions. **Emergency motions, for cases in which relief is necessary to prevent imminent and substantial physical or psychological harm to a child, shall be heard as usual.** Emergency motions must state, with particularity, the factual basis for claiming that relief must be granted on an emergency basis. Each such motion shall be reviewed by a judge before it is docketed.
 - g. Rules to Show Cause in Which the Respondent is Held in Custody. Rule to show cause hearings for support obligations where the respondent is held in custody **are suspended** and shall be continued by the Clerk of Court. Any objection to the continuance of such a trial or hearing shall be made by emergency motion, filed as far in advance of the originally scheduled date as possible.
11. Child Dependency Hearings. Child dependency hearings will proceed as follows:
- a. **Five-day hearings and merits and dispositional hearings shall proceed as scheduled. All other hearings are suspended** and shall be continued by the Clerk of Court to a date no earlier than May 10, 2020.
 - b. All counsel of record involved in Fairfax County, Department of Family Services (DFS) child dependency cases currently set on the court's docket for a post-disposition hearing shall, if all parties and counsel agree, submit an agreed order to the clerk's office, setting forth that reasonable efforts have been made as required by the Code of Virginia. Once any agreed order is submitted, the hearing shall be continued by the clerk's office and the parties shall not appear on the currently scheduled court date.
 - a. If all counsel of record involved in Fairfax County, Department of Family Services (DFS) child dependency cases currently set on the court's docket for a post-disposition hearing, do not agree that reasonable efforts have been made to reunite the child with his or her family, the parties shall appear on the currently scheduled court date for the sole purpose of the court determining if reasonable efforts have been made as required by the Code of Virginia. After a determination of the reasonable efforts issue, the Court will continue the matter to another date for good cause.
12. **All other matters, not expressly described above, are suspended** and shall be continued by the Clerk of Court.
13. These policies and procedures are subject to amendment as circumstances develop.

