

VIRGINIA:

IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT OF FAUQUIER COUNTY

IN RE: CASE SCHEDULING in light of COVID-19 Pandemic

ORDER

It appearing to the Court that on May 6, 2020, in a Fourth Order Modifying and Extending Declaration of Judicial Emergency In Response to Covid-19 Emergency, the Chief Justice of the Supreme Court extended the Judicial Emergency until June 7, 2020, however, the Chief Justice in his Order has stated:

".... 3) Courts should continue to conduct as much business as possible by means other than in-person court proceedings. In all civil and criminal matters, courts are encouraged to continue and even increase the use of video conferencing, telephone, teleconferencing, email or other means that do not involve in-person contact. These methods are preferred over in-person court proceedings.

4) Notwithstanding the ongoing preference for conducting hearings by video conferencing or telephone, effective May 18, 2020, all courts may hear in-person non-emergency matters if they determine it is safe to do so, and provided they comply with the guidance for transitioning from emergency to routine operations provided by the Office of the Executive Secretary in order to minimize the risk of the spread of COVID-19 from in-person court proceedings...."

Because of the extremely small square footage of the courtroom and the requirement that social distancing is enforced within the courthouse, careful planning will be necessary to conduct in-person hearings. The Court ORDERS as follows:

1. All civil cases currently set for first return, status hearing or review hearing from May 18, 2020 through June 7, 2020, shall remain on the court's docket to be heard only by WebEx conference. Parties and counsel shall appear either by letter, WebEx video or may call into the WebEx conference by telephone for an audio appearance. No one will be allowed to physically appear in the courthouse for a civil first return, status

hearing or review hearing. Parties and counsel should call or email the clerk to confirm the time of their hearing and to obtain the WebEx hearing number or phone number.

2. All civil trials currently set for trial from May 18, 2020 through June 7, 2020, are removed from the docket and will be rescheduled by the clerk. However, if all parties and participants agree to have their case heard by WebEx conference only, a party may request that the matter remain on the court's docket. Upon receipt of notice from a party that all participants have agreed to a remote hearing, a WebEx conference will be arranged for the case. The party notifying the court of the agreement to proceed via remote hearing must provide the court an email address for all participants. A WebEx invitation will be sent by the court to all participants' email address. Parties, attorneys and witnesses shall appear either by WebEx video or shall call into the WebEx conference by telephone for an audio appearance. The phone number to call will be included in the emailed invitation. All parties are encouraged to arrange for a brief pre-trial conference with the court in advance of the scheduled trial to ensure that a plan to effectively conduct the trial is in place and to test their WebEx if they are a first-time user.
3. Between May 18, 2020 and June 7, 2020, the court has several blocks of available time for hearings. Any participant with a pending case of any type before the Court who can be ready for hearing on one of the available dates, and who has contacted the opposing party to determine that they can also be ready for hearing on one of the available dates, and if all participants are in agreement to have their case heard by video conference, may contact the clerk to request that their case be added to the

- docket for WebEx hearing. In the event that no more than four people (in addition to the judge, clerk and court security) need to be physically present for a hearing, and if all participants agree, the parties may request an in-person hearing to be set between May 18, 2020 and June 7, 2020. Request should be made through the clerk's office.
4. Between May 18, 2020 and June 7, 2020, emergency child custody and emergency child protection cases may be set on the court's docket through the Clerk's Office.
  5. Between May 18, 2020 and June 7, 2020, all cases in which the Fauquier County Department of Social Services is a party shall remain on the docket without change, except that the court will use video and teleconferencing for attorney and participants whenever possible.
  6. Protective Order hearings shall remain on the docket without change, unless the parties agree to continue the matter. No protective order hearing may be continued by agreement until appropriate arrangements for service of process have been made.
  7. Between May 18, 2020 and June 7, 2020, for incarcerated adults, all arraignments and bond hearings shall remain on the docket without change, except that the court will use video and teleconferencing for attorneys and participants whenever possible. For adults who are not incarcerated, all arraignments are removed from the docket and will be rescheduled.
  8. Between May 18, 2020 and June 7, 2020, for all adults, all criminal hearings and trials are removed from the docket, except that if the parties have reached an agreement, upon request, the court will hear the matter by WebEx.
  9. Juvenile detention hearings and juvenile detention review hearings shall remain on the docket without change, except that the court will use video and teleconferencing

for attorney and participants whenever possible.

10. Between May 18, 2020 and June 7, 2020, for juveniles, all delinquency hearings and trials are removed from the docket, except that if the parties reach an agreement, upon request, the court will hear the matter by WebEx.
11. A liberal continuance policy is in place for all hearings. Continuance requests may be submitted to the court by phone, email or fax. The party sending the email or fax is responsible for confirming that the transmission is received by the Clerk's Office. The email or fax will be processed, and the original document does NOT need to be subsequently filed.
12. All matters that the Court hears pursuant to this order will be conducted by two-way electronic audio-visual communication, whenever possible. If two-way electronic audio-visual communication is not available, matters will be conducted by telephone whenever possible. Necessary courtroom and waiting room attendance shall be limited to attorneys, parties, necessary witnesses and members of the press (for open hearings).
13. Individuals shall not enter the building if they have, within the previous 14 days:
  - a. Travelled internationally;
  - b. Been directed to self-quarantine, isolate, or self-monitor;
  - c. Been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
  - d. Experienced a fever, cough, or shortness of breath; or
  - e. Resided with or been within close contact with any person in the above-mentioned categories.

14. Individuals attempting to enter the building in violation of these protocols may be denied entrance by a court security officer and shall be directed to contact the Clerk's Office by telephone to inform the Clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

(540) 422-8040.

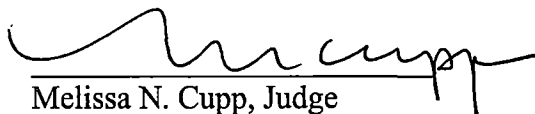
15. Within the courthouse, individuals and groups shall not congregate and social distancing shall be required, including inside the courtroom. No more than 8 individuals shall be allowed into the court waiting area simultaneously and no more than 4 participants shall be allowed into the courtroom simultaneously.

16. A liberal policy of accepting documents for court filing by fax or email is in place. The party sending the email or fax is responsible for confirming that the transmission is received by the Clerk's Office. The email or fax will be processed, and the original document does NOT need to be subsequently filed.

17. All deadlines to complete the parent education seminar and to complete paternity testing are extended and will be re-set by the court.

This Order shall expire on June 7, 2020, unless extended.

Entered this 12<sup>th</sup> day of May, 2020.

  
Melissa N. Cupp, Judge