

**VIRGINIA:**

**IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT FOR  
THE COUNTY OF MADISON ON FRIDAY, MAY 15, 2020.**

**ORDER CONCERNING THE JUDICIAL EMERGENCY**

**Introduction and Authorization:**

On May 6, 2020, the Virginia Supreme Court entered its **Fourth Order Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency** (hereinafter referred to as the “Order”), a copy of which is available at <http://www.courts.state.va.us/main.htm>. The Order extended the Judicial Emergency to **June 7, 2020**, and referenced the three previous Judicial Emergency orders (entered March 16 and 27, and April 22, 2020), a Clarification Order (May 1), and two Executive Orders entered by Governor Northam regarding the coronavirus.

Pursuant to the Order the Madison County Juvenile and Domestic Relations District Court (hereinafter, “the court”) will continue to hear cases that have been determined essential for the continued orderly administration of justice (i.e, including but not limited to foster care, juvenile detention, protective orders, bond hearings). In such emergency cases, only the parties, the attorneys, guardians ad litem and necessary witnesses should attend court. In addition, and pursuant to the Order, beginning **May 18, 2020**, the court will hear non-emergency, non-essential cases as outlined below.

**Public Safety Measures:**

Consistent with the Order, no one will be allowed to enter the court and will be required and ordered to leave the building, if they have, within the previous 14 days:

1. Travelled outside of the United States,
2. Been directed, instructed, or required by any medical professional or agency or any governmental authority to quarantine, isolate, or self-monitor,
3. Been diagnosed with, or had contact with anyone who has been diagnosed with, COVID-19/coronavirus,
4. Experienced a fever, cough, or shortness of breath or

5. Resided with or been in close contact with any person in any of the above four categories.

A sign shall be posted outside the court with these questions.

Additionally, no person who is feeling ill, whether diagnosed with Covid-19, or who within the previous 14 days has experienced a persistent headache, sore throat, other body aches, or respiratory problems, shall be allowed in the court. The bailiff may take the temperature of any person entering the court, if an appropriate thermometer is available. If the reading exceeds 100.4° Fahrenheit, the person shall be refused entry.

The bailiff is also authorized to refuse entry to any person who appears to be ill or is exhibiting any of the above symptoms. If the clerk's office staff becomes aware of such person, then they shall bring that information to the attention of the bailiff immediately. Such person shall be excused from appearing for their cases, and if they are a party, attorney or necessary, material witness, a continuance will be granted. The bailiff shall make a written notation of any person who is refused entry or ordered to leave the court.

If any person is not allowed in the courtroom because of the above restrictions, they shall contact their attorney, or the other party's attorney if self-represented, or the Clerk's Office, by telephone or email as soon as possible, but in no event later than 4:00 p.m. of the day of the hearing (or by 9:30 a.m. the next day if after close of business), to reschedule the case or to receive instructions as to alternative arrangements.

Further, only court staff, attorneys (including necessary staff), the parties, necessary witnesses, and in adult criminal and certain delinquency matters, members of the press, are allowed in the courtroom during a case.

Those who are allowed to enter the courtroom shall enter only after using hand-sanitizer supplied by the bailiff (when available) and shall sit at least six (6) feet from anyone else in the courtroom. They also are to have no physical contact with anyone else in the courtroom. The bailiffs are authorized to mark places for persons to sit and to direct persons where to sit.

Individuals entering the courtroom may wear a mask if they so wish, and the court recommends the wearing of a mask in any event, as a precaution against the possibility of

coming within six (6) feet of someone else while in the court. Court users may use their own mask or one supplied by the court, if available.

The bailiffs are also authorized to limit the number of people in the courtroom and the waiting areas at any given time when the above spacing and social/physical distancing cannot be maintained. Bailiffs are authorized to direct court users to wait outside or in their car until their case is called by the court.

The bailiffs shall use approved cleaners and sanitizers to disinfect the courtroom as ordered by the presiding judge.

#### **Docket Procedures:**

Pursuant to Paragraph 4 of the Order, the court shall conduct in-person proceedings, including non-emergency non-essential matters, **beginning May 18, 2020**, so long as such hearings can be conducted safely in accordance with Supreme Court guidance. Therefore, all cases shall remain on the court's docket at the currently scheduled date and time unless and until continued by order of the court. Continuances shall be granted in each case individually. Attorneys or parties wishing to request a continuance should file a motion with the clerk. The court will continue to have a liberal continuance policy for anyone who is ill or cannot find daycare for young children resulting from the impact of the ongoing COVID-19 crisis. If anyone feels ill or has been in contact with someone who is ill, please contact the Clerk's Office and do not come to court.

Notwithstanding the authorization for the court to conduct in-person hearings, the court will continue, whenever possible and consistent with the ends of justice, to allow participation in hearings by video conference and telephone in order to minimize in-person, in-court, contact. In the court's discretion, parties, attorneys and witnesses will be granted leave to appear by video conference or telephone when such can be arranged and subject to technology capacity. Pursuant to Paragraph 3 of the Order, ***any party, attorney or witness requesting to appear by video conference or telephone in any case, shall file a written request or motion with the clerk by 4:00 p.m. of the last business day before the hearing. Such motion shall provide the telephone number or email address (for video conference) to be used. If the motion requests that the number or address remain confidential, the confidential information shall be submitted***

*separately and so marked. Notice of the Motion shall be given to opposing counsel, parties and GAL pursuant to the Rules of Court.*

When such motion is granted, the clerk or the judge will initiate the phone call or video conference at the time the case is ready to be called on the docket. (The court is currently using Webex video conferencing platform. An individual wishing to participate in a video conference using a cellphone should download the Webex application.) During any hearing in which individuals are participating by video conference or telephone, such individuals shall ensure that the confidentiality of the hearing is maintained. **No minor shall listen or watch a court hearing without permission of the court.**

All detention hearings, arraignments and bond hearings for detained juveniles and incarcerated defendants will be conducted by video unless ordered otherwise by the presiding judge.

Any request or motion to conduct a criminal or delinquency hearing in which the Defendant has a right to appear physically and be present in court must be accompanied by a written waiver of such right signed by counsel and the Defendant. The clerk has a suggested form for this purpose.

**Operation of the Clerk's Office:**

Beginning **May 18, 2020**, The clerk's office shall remain open and accessible to the public during this period. For reasons of protection of the health and safety of the public and staffing constraints, the clerk may operate on an appointment basis and/or limit the number of persons allowed in the clerk's office at one time or take other safety measures.

The clerk's office may accept and file signed pleadings, orders, and other documents that are electronically signed, including those where the electronic signature is accomplished by scanning.

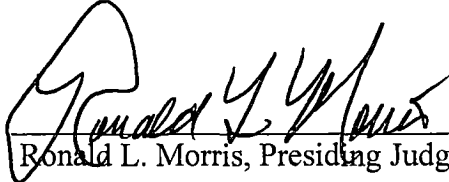
**Purpose and Distribution:**

The purpose of this Order and these precautions and restrictions is to minimize the risk of the spread of COVID-19 as outlined in the Order and as provided by the Center for Disease Control and Prevention (CDC) and the guidance provided by the Office of the Executive

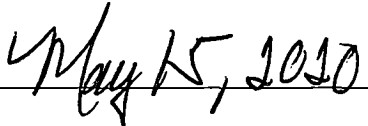
Secretary for transitioning from emergency to routine operations. It shall remain in full force and effect until further order of this Court, or until June 7, 2020, whichever occurs first.

The clerk shall post a copy of this Order at the entrance to the courthouse and outside the courtroom and provide a copy of this order to anyone whose case is continued or otherwise affected by this Order as well as to anyone who requests a copy. The clerk shall also post this Order on the website of the Supreme Court of Virginia and take other reasonable steps to distribute it throughout the jurisdiction and make it available in the community.

ENTER:

  
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Ronald L. Morris, Presiding Judge

DATE:

  
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May 15, 2020