

IN THE JUVENILE COURTS OF CHATTOOGA, DADE AND WALKER COUNTIES

STATE OF GEORGIA

MODIFIED ORDER REGARDING JUDICIAL EMERGENCY

FILED IN OFFICE

MAY 19 2020

Carla Brown
CLERK

WHEREAS, the Chief Justice of the Georgia Supreme Court has entered an Order Declaring a Statewide Judicial Emergency (as amended) dated March 14, 2020, an Order Extending Declaration of Statewide Judicial Emergency dated April 6, 2020 and a Second Order Extending Declaration of Statewide Judicial Emergency dated May 11, 2020; and

WHEREAS, The Chief Judge of the Lookout Mountain Judicial Circuit has entered an Order Establishing Guidelines For In-Person Court Proceedings Lookout Mountain Judicial Circuit dated May 18, 2020;

IT IS HEREBY ORDERED AS FOLLOWS:

1. This Order shall be effective immediately and shall continue in force for the duration of the Statewide Judicial Emergency or until terminated, amended or modified by this Court. This Court's Order Regarding Judicial Emergency dated March 13, 2020 is superseded by this Modified Order Regarding Judicial Emergency.

2. The Order Establishing Guidelines For In-Person Court Proceedings Lookout Mountain Judicial Circuit, referenced above, is incorporated herein by reference, is hereinafter referred to as the "Order", and is attached hereto as "Exhibit A." If said Order is amended or modified in any way, said modification or amendment shall also be incorporated herein by reference. All parties, attorneys and other participants in matters before this Court shall comply with said Order.

2. Beginning on May 21, 2020, this Court will sound all cases appearing on it's calendars. The Court will be assigning specific times for all hearings and will space said hearings at appropriate intervals to attempt to alleviate crowding in the courthouse as much as possible. All parties and attorneys shall appear for the sounding of the case and shall be ready to proceed at the scheduled time. The Court will be video-conferencing every hearing from the courtroom. Parties and attorneys may either appear in person in the courtroom or by joining in the video conference. Attorneys shall be responsible for informing their clients of the options for appearance and for arranging for video conference attendance if that is the client's desire. Unrepresented parties shall make contact with the court regarding appearing. The Court will consider waivers of appearance requests and continuance requests based upon health concerns and will make decisions on a case by case basis. Certain hearings may require in-person attendance by certain participants and the scheduling of those hearings will be

considered on a case by case basis. All participants attending by video conferencing are reminded that recording court proceedings is prohibited. The court has entered a Policy Memo regarding Participating in Court Hearings Via Video Conference. Said Memo is included herein by reference and attached hereto as "Exhibit B."

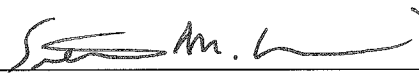
3. The number of people allowed in any courtroom will be limited to the number who may be present while practicing safe social distancing as set forth in said Order and as determined by the Sheriff's Office or the Court. All participants are encouraged to limit the number of people entering the courtroom as much as possible. The public shall be allowed to enter the courtroom if they have been admitted to the courthouse and if there is sufficient space after all parties, attorneys and interested parties are present. The Court will be live streaming all hearings open to the public on the Court's YouTube channel accessible by link on the Court's website, juvcourt.net, and any member of the public who is excluded from the courtroom for space or health concerns may be present via the live stream. In the event the number of participants or interested parties for a hearing exceeds the safe number of people being present in the courtroom, the Court will make arrangements to conduct the hearing in a larger courtroom either on the originally scheduled date or on a continued date.

4. If any party, attorney or interested person is denied admission to the courthouse during the health screening process, the Court shall be notified as soon as possible and such party, attorney or interested person shall participate via video conferencing or contact the court to make other arrangements.

5. Any special health concerns or problems of undue burdens shall be brought to the Court's attention immediately and will be considered on a case by case basis.

6. No person shall enter the offices of the Court without being invited. Court personnel shall deal with the public outside court offices while practicing social distancing.

SO ORDERED, this 19 day of May, 2020.



STEVEN M. ELLIS, JUDGE
JUVENILE COURT
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

Exhibit A

~~CONFIDENTIAL~~ 7 PAGE 542

Filed in Clerks Office
Chattooga County, Georgia

IN THE SUPERIOR COURT FOR
THE LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

MAY 18 2020

STATE OF GEORGIA

Christine Swell Jones, Clerk

ORDER ESTABLISHING GUIDELINES FOR IN-PERSON COURT PROCEEDINGS
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing the continuation of essential court services and the re-opening of non-essential court services. Based upon the authority granted to the Superior Courts and in the exercise of judicial discretion, the Court issues the following order establishing guidelines to protect the health of litigants, attorneys, judges, court personnel and the public for in-court proceedings.

1.

Each and every person has a duty and a right to protect their own personal health. As attendance at court proceedings is often mandatory rather than optional, the Court must consider the public health concerns of all citizens that utilize our courthouses. If an individual objects to in person attendance and/or is considered to be high risk, that should be immediately made known to the Court in order that alternative arrangements can be made for the resolution of his or her business.

2.

Number of Persons Admitted to the Courthouse and Courtroom.

A. Courthouse.

Admittance to the courthouse will be in the discretion of the Sheriff of each county, consistent with public health guidelines, courthouse safety plan and this Order. Other offices in

our government buildings (Clerk of Court, Tax Commissioner, Elections, etc.) may adopt these guidelines or create different ones for use in their particular office spaces.

B. Courtroom

The term "courtroom" shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, jury rooms, jury assembly rooms, witness sequestration areas, judges' chambers, law libraries, and any other room regularly used when court is in session.

Social distancing of 6 (six) feet will be required and enforced by the Sheriff in all areas of the courthouse. Once the courtroom is fully occupied using 6-foot social distancing guidelines, no additional persons may enter.

3.

Health Screening

Health screening shall be conducted on each person entering the courthouse by the Sheriff's office. This screening will include the personal health questions contained in the Covid-19 Health Screening form attached, hereto, as Exhibit A. As the availability of equipment permits, each person's temperature will be taken using a no-touch thermometer. Each county Sheriff shall make best efforts to obtain no-contact thermometers for this purpose.

4.

Personal Protective Equipment

Personal Protective Equipment (PPE) is designed to protect both the individual wearing it and all others with whom he or she comes into close contact with. All persons entering the courthouse will wear a protective mask or face covering. Limited supplies exist and will be available at the security entrance to each courthouse. Each county Sheriff shall make best efforts

to obtain a steady supply of face masks. Exceptions may be granted by the presiding judge for good cause.

5.

Remote Judicial Proceedings

All judges shall continue to use technological alternatives whenever possible (Zoom, Webex). The decision to utilize remote or in person proceedings is in the sole discretion of the presiding judge.

6.

Publication of Dissemination of Guidelines

This Order and guidelines shall be published on the Lookout Mountain Judicial Circuit website and posted at the entrance to each courthouse. A copy of this order shall also be filed with the Clerk of Superior Court of each county within the Lookout Mountain Judicial Circuit.

7.

Duration

This Order shall be effective until termination of the Declaration of Judicial Emergency by the Supreme Court of Georgia. This Court is authorized to impose additional restrictions or guidelines should the situation in a particular county or courthouse require such by O.C.G.A. §38-3-61 and §38-3-62.

THIS 18 DAY OF May, 2020.



KRISTINA COOK GRAHAM
CHIEF JUDGE, SUPERIOR COURT
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT

Exhibit B

**POLICY MEMO FOR THE JUVENILE COURTS OF CHATTOOGA, DADE AND WALKER
COUNTIES**

FILED IN OFFICE

From: Judge Steven M. Ellis 

MAY 19 2020


CLERK

RE: Participating in Court Hearings Via Video Conference

Platform: The Court will be using Zoom as the platform for video conferencing

Persons Who May Appear Via Zoom: Parties (including putative fathers whether they are a full party to a case or not), Attorneys of record, DFCS and DJJ representatives whether a party or not, witnesses, CASAs, Guardians Ad Litem, foster parents, placement representatives, other interested persons in the discretion of the Court. "Other interested persons" who want to appear via Zoom shall be brought to the Court's attention by other participants or shall contact the Court directly for the Court to determine whether they will be allowed to appear via Zoom.

Procedure for Obtaining Login Information: Prior to the call of the case, Attorneys, non-represented parties, CASAs, and Guardians Ad Litem shall provide the Court with an email address or cell phone number where they will receive invitations. At the appropriate time, the Court will send an invitation link to such persons. The invitation link will contain the login information for that particular meeting. Attorneys shall provide the login information to their clients, witnesses they intend to call, DFCS representatives, DJJ representatives, foster parents, placement representatives and other represented persons. The Court will provide login information, or direct other participants to provide login information, to anyone who is authorized to log in, but is unable to receive the information otherwise.

Procedure for Entering Hearing: At the time scheduled for the hearing a person is attending, such person shall enter the login information provided and be available in the Zoom waiting room. Prior to the sounding of the case, the Court will allow you to enter the meeting. Every effort should be made by the person giving the login information to the participant to keep the participant updated on anticipated time for the participant being allowed to enter the meeting. If a person is participating in more than one hearing during a meeting, at the end of a hearing, the Court will put that person back into the waiting room until the call of the next hearing.