

STATE OF GEORGIA

MAR 16 2020

ORDER REGARDING JUDICIAL EMERGENCY

Cathy Brown
CLERK

WHEREAS, the Chief Justice of the Georgia Supreme Court has entered an Order declaring a statewide Judicial Emergency, (a copy of said order is attached hereto and incorporated herein by reference and hereafter referred to as "the Order"); and

WHEREAS, the Chief Judge of the Superior Court of the Lookout Mountain Judicial Circuit has entered a similar Order; and

WHEREAS, the Governor of the State of Georgia and the President of the United States of America have declared a State of Emergency; and

WHEREAS, all of said declarations are in response to the continued spread of the COVID-19/Coronavirus;

IT IS HEREBY ORDERED AS FOLLOWS FOR THE DURATION OF SAID JUDICIAL EMERGENCY:

1. All parties, attorneys and other participants in matters before this Court shall implement Social Distancing practices when dealing with this Court, its Court Administrators, Clerks, Court Reporters and other participants. Whenever possible, all communications with the Court shall be made by phone call, email or text message. 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.
2. Pursuant to the Order, this Court will hear any Preliminary Protective Hearings in Dependency actions, Detention Hearings in Delinquency actions and Continued Custody Hearings in CHINS actions.
3. Further pursuant to the Order, this Court will hear any other matters "where an immediate liberty or safety concern is present requiring the attention of the Court as soon as the Court is available." The Court will review each matter scheduled before the court to determine whether such a situation exists and will make findings on the record and cause an

order to be entered reflecting said determination. In the event the Court finds that a hearing other than a PPH, Detention Hearing or Continued Custody Hearing should be heard, the Court will notify Counsel and unrepresented parties. If any Counsel or unrepresented party believes their matter should be heard, they may contact the Court and a conference will be scheduled for the Court to hear arguments and make a determination of whether the matter should be heard.

4. Whenever possible, witnesses and parties are encouraged to attend hearings through audio or video conferencing. An attorney wishing for a client or witness to appear via audio or video conferencing is responsible for assuring the witness or party is available through such conferencing and has a means for causing said conferencing to occur.

5. Whenever possible, the employees of this Court shall telecommute; provided, however, the Court shall remain open to serve the public and hear any matters that are deemed necessary.

SO ORDERED, this 16 day of March, 2020.



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



SUPREME COURT OF GEORGIA

FILED
Administrative Minutes
MAR 14 2020
Thérèse S. Barnes,
Clerk/Court Executive
SUPREME COURT OF GEORGIA
Thérèse S. Barnes

March 14, 2020
(Amended)

ORDER DECLARING STATEWIDE JUDICIAL EMERGENCY

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "judicial emergency" pursuant to OCGA § 38-3-60 et seq., see OCGA § 38-3-60 (2).

Now therefore, pursuant to OCGA § 38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, DOES HEREBY ORDER AND DECLARE a Statewide Judicial Emergency in the State of Georgia. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our courts.

Thus, in order to protect the health, safety, and liberty of all citizens in this State, the undersigned hereby declares a Statewide Judicial Emergency affecting all courts and clerk's offices in the State as it relates to all judicial proceedings.

To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions are subject to interpretation; however, some matters that fall into the essential function category are: (1) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders; (4) juvenile court delinquency detention hearings and emergency removal matters; and (5) mental health commitment hearings.

In addition, trials in any criminal case for which a jury has been empaneled and the trial has commenced as of the date of this order shall continue to conclusion, unless good cause exists to suspend the trial or declare a mistrial. The decision whether to suspend a criminal trial or declare a mistrial rests with the judge presiding over the case.

To the extent court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by videoconferencing, where possible.

Pursuant to OCGA § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to any: (1) statute of limitation; (2) time within which to issue a warrant; (3) time within which to try a case for which a demand for speedy trial has been filed; (4) time within which to hold a commitment hearing; (5) deadline or other schedule regarding the detention of a juvenile; (6) time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (7) time within which to file a writ of habeas corpus; (8) time within which discovery or any aspect thereof is to be completed; (9) time within which to serve a party; (10) time within which to appeal or to seek the right to appeal any order, ruling, or other determination; and (11) such other legal proceedings as determined to be necessary by the authorized judicial official.

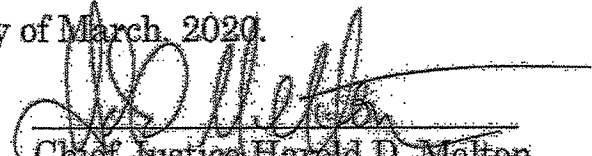
This Statewide Judicial Emergency shall terminate on April 13, 2020, at 11:59 p.m., unless otherwise extended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

IT IS FURTHER ORDERED, pursuant to OCGA § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to the judges and clerks of all courts in this State and to the clerk of the Georgia Court of Appeals, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

IT IS FURTHER ORDERED that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 14th day of March, 2020.


Chief Justice Harold D. Melton
Supreme Court of Georgia

cc:

Governor Brian P. Kemp
Lt. Governor Geoff Duncan
Speaker David Ralston
State Bar of Georgia
Administrative Office of the Courts
Judicial Council of Georgia
Council of Superior Court Clerks of Georgia
Department of Juvenile Justice
Criminal Justice Coordinating Council
Council of Accountability Court Judges
Georgia Commission on Dispute Resolution
Institute of Continuing Judicial Education of Georgia
Georgia Council of Court Administrators
Chief Justice's Commission on Professionalism
Judicial Qualifications Commission
Association County Commissioners of Georgia
Georgia Municipal Association
Georgia Sheriffs' Association
Georgia Association of Chiefs of Police
Georgia Public Defender Council

Prosecuting Attorneys' Council of Georgia
Department of Corrections
Department of Community Supervision
Georgia Court Reporters Association
Board of Court Reporting
State Board of Pardons and Paroles

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk