

1 **IN THE JUVENILE COURTS OF THE NORTHERN JUDICIAL CIRCUIT**
2 **STATE OF GEORGIA**

3
4 **No.: 2020-005**

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6 **Order on Operations During Declared Judicial**
7 **Emergency**
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10 **FINDINGS OF FACT**

11 On March 13, 2020 the President of the United States, Mr. Donald Trump, declared a public
12 health emergency throughout the United States of America.

13 On March 14, 2020 the Governor of the State of Georgia, Hon. Brian Kemp, declared a public
14 health emergency throughout the State.

15 On March 14, 2020 the Chief Justice of the Supreme Court of Georgia, Hon. Harold Melton,
16 declared a statewide judicial emergency effective until April 13, 2020 at 2359. Said declaration
17 ordered courts to remain open to perform essential functions and to give priority to matters necessary
18 to protect health, safety, and liberty of individuals. Essential functions were designated at minimum to
19 be: immediate liberty or safety concerns; criminal court search warrants, arrest warrants, initial
20 appearances, and bond reviews; domestic abuse temporary protective orders and restraining orders;
21 juvenile court delinquency detention hearings and emergency removal matters; and mental health
22 commitment hearings. Further, to the extent court proceedings are held they “should be done in a
23 manner to limit the risk of exposure, such as by videoconferencing, where possible”.

24 On March 16, 2020 the Chief Judge of the Superior Courts of the Northern Judicial Circuit;
25 Hon. Jeffery S. Malcom, as well as Superior Court Judges R. Chris Phelps and Lauren A. Watson,
26 issued an Order Declaring Judicial Emergency in the Northern Judicial Circuit. Said declaration is
27 effective to all courts of the Northern Judicial Circuit including this court. Said declaration limits the
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1 functions of the courts to essential matters, unless those non-essential matters can be conducted via
2 video or teleconferencing. Said Declaration of Judicial Emergency is effective through April 13, 2020.
3 No civil or non-essential criminal matters shall be heard by any court. Only the following types of
4 cases are to be heard during this emergency: to wit:

- 5 1. Immediate liberty or safety concern is present requiring the attention of the court as soon as the
6 court is available;
- 7 2. Criminal court search warrants, arrest warrants, initial appearances, and bond reviews;
- 8 3. Domestic abuse temporary protective orders and restraining orders
- 9 4. Juvenile court delinquency detention hearings and emergency removal matters; and
- 10 5. Mental health commitment hearings.

11 There is continued transmission of Coronavirus/COVID-19 throughout the State of Georgia
12 and the potential for infection of those who work in or are required to appear in our courts or if forced
13 to interact with large groups. There exists, in the Northern Judicial Circuit, a declared state of judicial
14 emergency. The judicial emergency is circuit-wide and affects Elbert, Franklin, Hart, Madison, and
15 Oglethorpe Counties.

16 **CONCLUSIONS OF LAW**

17 Pursuant to 42 U.S.C. §247d the President of the United States is authorized to declare public
18 health emergencies. Pursuant to O.C.G.A. §38-3-51 the Governor of the State of Georgia is authorized
19 to declare a Public Health State of Emergency. Pursuant to O.C.G.A. §38-3-60 the Chief Justice of the
20 Supreme Court of Georgia is authorized to declare a Judicial Emergency. Pursuant to O.C.G.A. §38-3-
21 61 the Chief Judge of the Superior Courts is an authorized judicial official able to declare a judicial
22 emergency.

23 Pursuant to the Declaration of Judicial Emergency by Chief Judge Jeffery S. Malcom, there
24 exists in the Juvenile Court of the Northern Judicial Circuit a State of Judicial Emergency. The State
25 of Judicial Emergency is circuit-wide and affects Elbert, Franklin, Hart, Madison, and Oglethorpe
26 Counties. This court, the same as all courts in the circuit, shall not hear civil or non-emergency
27 criminal matters for the duration of the emergency unless same can be handled via videoconference or
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1 teleconference. All matters not meeting the nature of allowed hearings are continued to a date beyond
2 the end of the judicial emergency, April 13, 2020.

3 **ORDER**

4 In compliance with the Declaration of Judicial Emergency, IT IS ORDERED, that pursuant to
5 said declaration now in effect, that the following hearings will go forward:

- 6 1. Dependency Removal Order proceedings;
- 7 2. Preliminary Protective Hearings in dependency cases (72 hour hearings);
- 8 3. Detention Hearings in delinquency cases (72 hours hearings);
- 9 4. Interstate Commission on Juveniles extradition and interstate runaway transfer hearings
- 10 5. Proceedings pursuant to O.C.G.A. §15-11-680 *et seq.* involving Parental Notification of
11 Abortion Hearings;
- 12 6. Proceedings pursuant to O.C.G.A. §37-7-1 *et seq.* involving the involuntary mental health
13 commitment/substance abuse treatment for persons under the age of 18

14 Said hearings may continue to be scheduled in the normal manner of the Northern Circuit Juvenile
15 Court by sending a Rule Nisi to the Court for execution and return. Service shall remain the
16 responsibility of the party requesting the Rule Nisi.

17 IT IS FURTHER ORDERED that all other hearings are continued to a date to be determined
18 but not before the expiration of the Judicial Emergency in the Northern Judicial Circuit. Those types
19 of hearings continued include but are not limited to Juvenile Traffic Cases, Children in Need of
20 Services (CHINS), Disposition Hearings (including dependency, delinquency, and CHINS),
21 Adjudicatory Hearings (including dependency, delinquency, and CHINS), Termination of Parental
22 Rights, Hearings for Reinstatement of Parental Rights, Permanency Review Hearings, Review
23 Hearings for persons over 18 years of age who have not left the care of the Department of Family and
24 Children's Services, Inter-State Transfer hearings (including dependency and delinquency), Intra-State
25 Transfer hearings (including dependency and delinquency), Motion Hearings, Arraignments,
26 Competency Determination Hearings, Designated Felon Hearings, Permanent Guardianship Hearings,
27 Temporary Guardianship Hearings, Emancipation Hearings, Hearings for the determination of the

1 appropriateness of sealing juvenile records, Hearings for access to sealed juvenile records, Hearings
2 for the appropriateness of opening/closing juvenile proceedings, transfers from the Probate Courts of
3 the Northern Judicial Circuit, and Transfers from the Superior Courts of the Northern Judicial Circuit.
4 Continued hearings will be scheduled by Rule Nisi or with a new summons, as required by law. To
5 obtain a Rule Nisi the party needing/requesting same shall forward a request for hearing pursuant to
6 the procedure outlined below. Scheduling of any hearing, and the service of any Rule Nisi, shall
7 remain the responsibility of the requesting party or party requiring same.

8 IT IS FURTHER ORDERED that all Community Based Risk Reduction Program meetings are
9 suspended until the expiration of the judicial emergency.

10 IT IS FURTHER ORDERED that all cases with a consent from all parties involved in the case
11 (parents, child, State, GAL, CASA, etc.) may submit same by email, copied to all parties (including
12 CASA) and/or their counsel, as well as the applicable Clerk of Court. Once submitted the court may
13 execute any proposed order or direct an appropriate order be drawn.

14 IT IS FURTHER ORDERED that if there exists a contested case which requires issue(s) to be
15 addressed by the court which has been continued as a result of the Declaration of Emergency and the
16 party desires a hearing prior to the expiration of the judicial emergency that the parties will first
17 address that issue in writing to the court, this may be done by email copying all parties. The court will
18 then decide, in the court's discretion if a live, in-court review of the contested issue is necessary. If so,
19 the parties will be notified by the court as to the day, time, and place for the hearing.

20 IT IS FURTHER ORDERED that where hearings have been ordered to go forward that the
21 court may extend the time limits for such hearing if required by health concerns for the parties,
22 counsel, witnesses, or court personnel.

23 IT IS FURTHER ORDERED that all parties/counsel, including the Department of Family and
24 Children's Services and the Department of Juvenile Justice, with hearings continued as a result of the
25 Declaration of Emergency or with knowledge of the need for a hearing within the period of the
26 declaration shall submit a request for said hearing to the court, said submission should be to the court's
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1 email address at wccaswell@warrencaswelllaw.com for the compilation of a database of delayed
2 hearings. Said request for said hearing shall include the following information:

- 3 1. Name of Case
- 4 2. Case number of Case
- 5 3. Type of Hearing Needed
- 6 4. Date by which hearing is needed if no judicial emergency were in effect
- 7 5. An assessment of the urgency of need of the hearing, assessment of need should be honest
8 and will ultimately be determined solely in the discretion of the court.
 - 9 a. Highest
 - 10 b. High
 - 11 c. Average
 - 12 d. Low
 - 13 e. Lowest

14 The preferred method of submission by parties/counsel with more than five (5) cases is via an Excel
15 compatible spreadsheet. If feasible, macros should be disabled in said spreadsheet submission. For
16 cases needing multiple hearings, one request for each type of hearing needed should be submitted (i.e.
17 if In re: Jones needs both a permanency review hearing and a hearing on a motion to modify
18 disposition there should be two requests for In re: Jones regardless if the hearings are needed by the
19 same or different parties). Each submission should also include a Rule Nisi.

20 IT IS FURTHER ORDERED, that in all hearings in which a live in-court hearing has been
21 authorized or other business requires person to person contact at the juvenile court, that all persons
22 immediately upon entry to the court premises shall enter the public restroom and thoroughly wash their
23 hands with soap and warm water in accord with Centers for Disease Control and Georgia Department
24 of Public Health standards¹. This shall occur before the person interacts with staff, sits in a waiting
25 area or gallery, enters the courtroom, or other offices. Where feasible the parties, witnesses, counsel,

26 ¹ Hand washing shall occur with soap and warm water and shall require the person to wash their palms, the back of their
27 hands and the portion of the wrist where the arm meets the hand. Washing shall require the interlacing of fingers on both
28 hands, the circular grip and pull of each thumb, and the circling of each fist in the palm in order to clean under finger-nails.
The entire process shall take not less than 20 seconds under warm water (say your ABC's or sing "Happy Birthday" twice.)

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court personnel and spectators while waiting for their cases to be called shall practice “social distancing” and shall avoid close contact by sitting not less than six feet apart unless they occupy the same house on a daily basis.

IT IS FURTHER ORDERED that appropriate notices shall be disseminated so that the public, parties, and counsel may familiarize themselves with the operations of the Juvenile Court of the Northern Judicial Circuit during the Declared Judicial Emergency.

IT IS FURTHER ORDERED that this Order shall terminate upon the expiration of the Declared Judicial Emergency in the Northern Judicial Circuit.

Parties and attorneys are reminded that should they have any questions regarding conduct during the period of judicial emergency they are authorized by said declaration to contact the assigned judge to ensure they are in compliance therewith.

Hon. Warren C. Caswell
Judge, Juvenile Court
Northern Judicial Circuit