

**IN THE JUVENILE COURTS OF THE COWETA JUDICIAL CIRCUIT
STATE OF GEORGIA**

MERIWETHER COUNTY, GA
FILED
2020 MAR 17 AM 10:41
Kyrasmit Gibson
CLERK OF SUPERIOR COURT

IN RE: Declaration of Judicial Emergency *
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**AMENDED ORDER IMPLEMENTING GEORGIA SUPREME COURT'S
ORDER DECLARING STATEWIDE JUDICIAL EMERGENCY**

WHEREAS, under O.C.G.A. § 38-3-60 et seq., the Honorable Justice Harold D. Melton entered an Order Declaring Statewide Emergency (the “Emergency Order”) with an effective beginning date of March 14, 2020, and an initial ending date and time of April 13, 2020, at 11:59 P.M.; and

WHEREAS, the Honorable Justice Harold D. Melton entered an Amended Order Declaring Statewide Emergency (also the “Emergency Order”) modifying the original Emergency Order; and

WHEREAS, the Emergency Order identifies the emergency (the “Judicial Emergency”) as the continued transmission of Coronavirus/COVID-19 throughout the State of Georgia and the potential infection of those who work in or are required to appear in our courts;

WHEREAS, the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system; and

WHEREAS, the Emergency Order gives direction to the various courts of this State, but leaves discretion to be exercised by local jurisdiction; and

WHEREAS, to implement the Judicial Order fully and effectively and to be as predictable as reasonably possible given the natures of this Court’s jurisdiction;

WHEREAS, on the 16th day of March 2020, the Honorable John T. Simpson, Chief Superior Court Judge for the Coweta Judicial Circuit, issued an Order Declaring Judicial Emergency (herein referred to as the “Coweta Circuit Order”), which is in substantially the same form as the Judicial Order, except that it extends the initial ending date to thirty days following the date of entry of the Coweta Circuit Order.

IT IS HEREBY ORDERED THAT:

1. To the extent feasible, the Courts in this Circuit shall remain open to address essential matters as that term is defined herein.
2. If court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by video conferencing, where possible.
3. Under Uniform Juvenile Court Rule 12, Telephone and Video Conferencing¹, on the Court’s motion and in its discretion all pre-trial or post-trial proceedings shall be conducted by video conferencing and telephone conferencing, with the preference being video conferencing where possible. The Court can participate via FaceTime and Zoom. Parties will not be required to provide advance notice of the intent to utilize such means of remote appearance; however, the parties and their respective counsel shall provide or secure with courthouse personnel any necessary equipment and connections to allow the remote appearance on a timely basis.
4. All cases docketed through April 15, 2020, are continued, except for those deemed “Essential Matters.” For docket control, all matters shall be placed on a docket (referred to herein as the “Floating Docket”) for so long as the Judicial Emergency lasts as determined by the Chief Justice and, as soon as practical thereafter, shall be moved from the Floating

¹ Order revised to correct citation to the Rule.

Docket to date-certain dockets and heard. As to all matters other than Essential Matters required to be heard within certain time frames related to funding, including, but not limited to Title IV funding, the Court finds that said continuance is in the child's best interest and does not result in any detriment to the child-party in any case.

5. 'Essential matters' (as that term is defined hereinafter), whether currently on an existing docket or arising after this date, shall be heard under applicable time frames, or as close thereto as reasonably possible given the logistical realities of the Judicial Emergency.

Where used herein, the term "Essential Matters" shall mean and include:

- In dependency cases - emergency removal hearings, preliminary protective hearing, hearings on an objection to a change of placement, adjudication and disposition hearings when a child is placed out of home unless that hearing is continued by consent of the parties, and where continuing the case would be contrary to the interest of the child.
 - In delinquent cases – detention hearings, adjudication and disposition hearings when the child is detained or housebound/in-home confinement unless the hearing is continued by consent of the parties;
 - Any other matter involving a loss of liberty, the separation of a child from the child's family, or child safety.
6. All deadlines and timelines are suspended, tolled, extended, and granted relief from as provided in the Emergency Order.
 7. No members of the public may report to any Juvenile Court in this Circuit for any matter or reason without authority during the term of the Judicial Emergency. All persons entering Juvenile Court are directed immediately upon entry into the court to enter the public


restroom and wash their hands with soap and water. This should occur before the person interacts with staff, sits in the waiting room, or enters the courtroom or other offices.

Anyone who appears at the Juvenile Court known to be not feeling well or appears to not be feeling well will be turned away. Anyone required to appear shall not bring non-essential persons with them to court. Parties or Attorneys in any non-essential matters should contact the Juvenile Court if they have questions and/or need to ensure their compliance with this Order.

8. As to all matters currently docketed during the effective period of this order, every party and counsel for every party shall have until 5:00 P.M. on March 18, 2020, to notify the Court in the county where the matters are pending in writing of their contention that any case is an Essential Matter. Said notification shall be sent to the Judge exercising jurisdiction, to the Juvenile Court, to all parties and to counsel for all other parties to the case, and shall state with specificity the factual and legal basis for their contention. Upon receipt, the Court may set the matter down for a hearing or may allow all parties to participate in a conference call with all parties represented for a decision to be made as to as to whether or not it will be heard. Notifications shall be sent by e-mail.
9. As to any new matter where a party contends that the matter is an Essential Matter, whether or not that matter is enumerated as an Essential Matter herein, i.e., emergency visitation issues, motions for return of custody, motion for modification of a case, plan, etc., the procedure set out above shall apply, except that a party shall notify the Court and the parties entitled to notice within two business days of learning of the circumstances necessitating a hearing.

10. All parties and their attorneys are encouraged to continue to work their cases and enter into consent orders for submission to the Court without hearing where possible.
11. This Order may be extended should the Judicial Emergency be extended.
12. Notice of this Order shall be sent to all attorneys of record, all members of the Bar Associations of the various counties, and to the local media.
13. The Sheriffs of the counties within the Circuit shall post this Order on his or her public notification site and at the Juvenile Court courthouse in each county.
14. This Order is entered by the Chief Judge of the Juvenile Courts of the Coweta Judicial Circuit by consent of all Juvenile Court Judges in the Circuit in order to be as consistent across county lines within the Circuit as is reasonably possible. However, given the difference in needs, resources and practices in each of the counties, this Order may hereafter be revised, modified or rescinded, in whole or in part, by the Juvenile Court Judge sitting primarily in any county within the Circuit, for application in that county, as that Judge deems appropriate, without the consent of the other Judges.

IT IS SO ORDERED this 17th day of March, 2020 at 6:04 A.M.



R. Michael Key
Chief Presiding Judge of the Juvenile Courts of the
Coweta Judicial Court²

3/17/2020 9:12 AM Version

² Order revised to correct signature line.