




**Superior Courts
of the
Northeastern Judicial Circuit**

Kathlene F. Gosselin, Chief Judge
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**DAWSON AND HALL
COUNTIES**

March 16, 2020

MEMORANDUM FOR IMMEDIATE RELEASE

From: Kathlene F. Gosselin, 
Chief Judge

Subject: Statewide Declaration of Judicial Emergency

UPDATED COVID-19 RESPONSE

In order to implement Chief Justice Melton's ORDER DECLARING STATEWIDE JUDICIAL EMERGENCY dated March 14, 2020, we are amending the procedures sent to attorneys and court personnel last Friday.

As of March 17, 2020, the **Superior Court** judicial staff will be working remotely. They will have calls forwarded to them and will have access to CJIS. The Superior Court judges will be on duty each week as follows:

Mondays and Tuesdays:	Judge Kathlene F. Gosselin
Wednesdays:	Judge Bonnie Chessher Oliver
Thursdays and Fridays:	Judge Jason J. Deal
Dawson County:	Judge Clint G. Bearden

The judge on duty will handle all matters arising those days, no matter to whom the case is assigned. Accountability courts will be held, although in abbreviated fashion. The judges will hear bond motions, pleas, and revocations as needed. Some of those matters may be heard at the Hall County Detention Center. The judges will also hear ex parte motions for Temporary Protective Orders and follow-up hearings, as well as any other critical matters as determined by the judge on duty.

The **State Court** judges will be available for jail pleas and any criminal matter deemed critical or essential. Their staff will also be working remotely, but will have access to CJIS and answer phone calls.

The **Magistrate Court** office will be closed to the public but clerks will be on site to answer questions by phone, process online filings and assist with video conferencing and electronic warrants. The Court will conduct first appearance hearings daily and set bonds accordingly. The electronic warrant system will continue to be accessed by law enforcement for the issuance of arrest warrants. Search warrants can be applied for and issued by law enforcement on an as needed basis. All currently scheduled civil hearings, including dispossessory matters, will be scheduled at the earliest possible date once the emergency order is lifted.

Juvenile Court and **Probate Court** have attached their plans to this memo.

The **Law Library** is closed to the public while the emergency order is in effect.

The **Clerk of Court's** office is open, but with a reduced staff. The deedroom is closed to the public so long as the order remains in effect.

Parties are encouraged to use e-filing to file their civil matters.

All our facilities remain open at this time, but please take every precaution. You're encouraged to conduct business over the phone and, since courthouse staff will be limited, make an appointment before visiting the building.

Thank you.

Probate Court will be accepting filings, but prefers them via the mail. If you need filing fees, you may scan and email your filing to your clerk and she will not review the filing for accuracy, but determine fees based on what you wish to file so that you may mail your check. All hearings are continued to dates that will be set in the future. Emergency hearings or filings that will endanger an individual's safety with delay will be processed first and necessary hearings held as needed. Please use email to reach clerks who may be working at home and not have access to their work phones on a daily basis. Our case management software can be accessed by employees at home so they will be able to continue processing documents even as we limit our staffing to decrease exposure of each individual. Essential functions will continue – marriage licenses, Orders to Apprehend, Involuntary Commitments, and any guardianship that affects safety. Non-essential functions will generally be on hold. No Weapons Carry Licenses will be processed during this time. Expiring licenses will automatically extend so that all deadlines are 30 days later due to the Judicial Emergency. We are happy to help you in any way we can – please reach out to us via email and have patience as we all work through this.

JUVENILE COURT

In an effort to join the nation in slowing the spread of COVID-19 and in compliance with Justice Melton's amended order, the **Juvenile Court** judges met this morning and devised a plan that will keep parties safe and continue the work we are bound to do.

In reviewing Justice Melton's order, "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:(4) juvenile court delinquency detention hearings and emergency removals matters..." Therefore, as long as the courthouse remains open, we will be having PPH hearings and detention hearing (to include continued custody hearings on CHINS cases). As to each class of cases, our plan is as follows:

Dependency Cases

- PPH hearings will be scheduled for court hearings
- The judges will review on a case by case basis as to whether a hearing is an essential hearing – considering the health, safety and liberty of individuals
- When possible, the court will conduct even non-essential hearings via conference call – in the courtroom so that the hearing is "open" and is recorded, for example:
 - o Adoption effort review hearings that don't involve parents are likely to be conducted in this manner.
- The Court is asking all parties work together to see if a consent order addressing all pertinent findings for that scheduled hearing could be submitted in lieu of a re-scheduling order.
- The Court will consider any consent continuance that waives timeframes so there is more time to reschedule vs. the 30 days the judicial emergency order tolls deadlines.
- For all hearings that cannot be addressed by consent or by conference call, an order rescheduling the matter will be issued, taking into consideration the timelines are tolled by 30 days based upon Justice Melton's amended order issued March 14, 2020 (the tolling period could be subject to change if another judicial emergency order is issued)
- Please consider waiving children's presence and letting foster parents/placements know they can submit their statement by writing, to again, limit the number of people coming into the courthouse.

Citizen Review Panels

- All citizen review panel hearings are cancelled through April 13th. The Court will issue orders cancelling these hearings.

CHINS Hearings

- Continued custody hearings will be scheduled for court hearings
- All truancy reviews are cancelled.
- For CHINS hearings, the Court is asking the parties to consider submitting proposed consent orders (if possible).
- The PD and DA should notify the Court if they believe any of the CHINS adjudication, disposition, or review hearings are essential due to the unique circumstances of their case.
- The Court will consider any consent continuance that waives timeframes so there is more time to reschedule vs. the 30 days the judicial emergency order tolls deadlines.
- For all other adjudications, dispositions, and CHINS reviews, an order rescheduling the matter will be issued, taking into consideration the timelines are tolled by 30 days (if a consent continuance and waiver of time requirements is not presented)
- CHINS panel will not be held as the timeline to file any CHINS petition has been tolled for 30 days. However, if the PD is continuing to meet with their clients and is asking the panel to consider the youth's case, the panel may consider the matter by participating by phone conference and the PD would need to obtain their client's signature on all documents.
- Probation office visits should NOT occur unless the family is in crisis.

Delinquency

- Detention Hearings will be scheduled for court hearings\
- The Court is reviewing every case where the child is currently in custody. The Court will likely find any hearing on a detained youth to be essential as it addresses the liberty of the youth. The Court will speak to the PD and DA to work out logistics given the challenges of bringing a youth from the RYDC.
- The Court will consider any consent continuance that waives timeframes so there is more time to reschedule vs. the 30 days the judicial emergency order tolls deadlines. When resetting continued cases, we can prioritize cases when choosing dates instead of putting ALL continued matters on one or two court dates.
- All arraignments, trials, and disposition hearings will be rescheduled, an order rescheduling the matter will be issued, taking into consideration the timelines are only tolled by 30 days (if a consent continuance and waiver of time requirements is not presented)

Traffic Cases

- All traffic court hearings that have already been set are cancelled. Traffic cases will be scheduled after the judicial emergency order has been lifted.

Parent Truancy Cases

- All parent truancy cases are cancelled. Issues rescheduling these hearings will be issued closer to April 13th.

It is clear the goal of the Judicial Emergency Order is to limit the number of people entering the courthouse. We believe this procedure will drastically reduce the number of people coming into the courthouse, yet also, address hearings that we must have and those that we can have via phone conference. I have been attending meetings as to an altered schedule for more than a week and the judges spoke numerous times over the weekend and well as reached out to other jurisdictions and state agencies. At this point, there is no uniform way juvenile courts are handling this crisis. Given the fact we are addressing children's cases and parent's rights to have custody of their children, it is difficult to find that any hearing is "non-essential." We are attempted to continue the practice of juvenile court by consent orders and telephone conferences so that hearings can continue to be held. Yet, we all understand the pandemic this country is facing and want to ensure our practices do not contribute to the spread of COVID-19. Thank you for your patience. In the event there are further announcements or changes, we will be updating our plan, if necessary.

Many in our office will be working from home. However, we will have receptionists, at least one clerk, at least one intake officer/probation officer, and a judge available in the office. The staff working from home will be available by email, work cell (if applicable) and will be checking their messages regularly.

Respectfully,

Judge Lindsay Burton

Judge Alison Toller

Judge Joe Diaz