

Patty Baker, Clerk of Superior Court - Cherokee County, GA

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE: COVID-19 PUBLIC HEALTH EMERGENCY
BLUE RIDGE JUDICIAL CIRCUIT, CHEROKEE COUNTY
GUIDELINES DURING STATE WIDE JUDICIAL EMERGENCY
DATE: March 9, 2021

On March 14, 2020 Chief Justice Harold Melton of the Supreme Court of Georgia entered an order declaring a state-wide judicial emergency. Thereafter, the Chief Justice has entered a series of orders extending the state-wide judicial emergency, with certain modifications and guidance. The most recent of these orders is dated March 9, 2021, and the Courts of the Blue Ridge Judicial Circuit are bound by it, except to the extent that the Chief Judge of the circuit may properly add additional restrictions.¹

Pursuant to the powers inherent in the fulfillment of judicial functions, and in light of the continued health threat posed by the COVID-19 coronavirus, including the health of court employees, litigants, court participants, and all individuals, the Courts of the Blue Ridge Judicial circuit hereby **ADOPTS** all provisions and guidance from the Supreme Court of Georgia contained in the March 9, 2021 Order, and any forthcoming orders from the Supreme Court of

¹ OCGA § 38-3-61 and 38-3-62.

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Georgia extending the Statewide Judicial Emergency, except where superseded in the below paragraphs.²

Further, in order to implement and remain in compliance with the Chief Justice's Order(s), the Court hereby **ORDERS** that the following health and safety measures remain in effect:

1. Health and Safety Measures: Where this order refers to "public health guidance," it references the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), and the Georgia Department of Public Health (DPH).³

While the courts have been abiding by various health and safety measure throughout the pandemic, this Order shall serve to clarify and reemphasize these provisions.

A. Screening and Public Access: Everyone entering the courthouse will be screened for symptoms and COVID- 19 exposure. The Sheriff's Office shall ask all persons entering the Justice Center the following questions: 1) Have you been diagnosed with, or had contact with someone who has been diagnosed with, COVID-19 within the last 14 days?; and 2) Have you developed a new cough, difficulty breathing, or fever over 100 degrees over the last 3 days? Anyone answering yes to either of these questions will not be allowed to enter the Justice Center.

Also, as a part of the screening process, deputies will take the temperature of every person entering the Justice Center. Any person with a fever of 100 degrees or higher will not be permitted to enter the Justice Center.

Any person denied entry into the Justice Center shall be instructed by deputies to call the Justice Center main telephone number (678-493-6100) from outside the courthouse. If said

² The most recent Order, as well as previous and subsequent Orders, are available at <https://www.gasupreme.us/>.

³ The measures herein are all recommended best practices for stopping the spread of COVID-19, per CDC and DPH.

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person is seeking to file a pleading or other document, the Clerk of Court shall determine whether such filing can be accomplished through the electronic filing system. If the individual does not have access to the e-filing system, then the Clerk shall accept paper filing. The person filing the pleading shall remain outside the Justice Center while the pleading is being filed; delivery of the paper filing shall be made by a deputy sheriff to the Clerk.

If the person denied entry into the Justice Center is there to attend a hearing as either a litigant, witness, or public spectator, such person shall remain outside the Justice Center while the appropriate judicial chambers is notified by the security staff. The assigned judge is authorized to consider all relevant facts and circumstances and make a determination as to whether to admit such person.

The Clerk of Court shall remain open to the public for filing of pleadings by self-represented litigants and in criminal cases. All self-represented litigants, including individuals seeking to file a Petition for Temporary Protective Order under the Family Violence Act, should contact the Clerk of Court at clerk.cherokee.ga.com or call 678-493-6511 to schedule an appointment for assistance. While attorneys and self-represented litigants are encouraged to use the temporary criminal e-filing system, the Clerk shall accept and file paper pleadings in all criminal cases.

B. Masks: All persons entering the Justice Center are required to wear a mask in any public area of the building, to include lobbies, hallways, elevators, rest rooms, the Jury Assembly room, and the Law Library. This requirement includes individuals working in the building as well as members of the public. Those working in their offices may remove their masks with the consent of their supervisor.

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The mask must remain in proper position over the nose and mouth. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the Courthouse seen without a mask to put one on. Anyone arriving without a mask will be provided one at screening.

Individuals in court may remove their face-covering only with the permission of the judge presiding.

C. Social Distancing and Room Capacities; Jury Assembly Room: All courts, offices, and departments are encouraged, to the extent possible, to allow employees to work remotely, and to conduct business and offer services by appointment, in order to mitigate the number of visitors entering the facilities at any given time.

All persons in the building shall make every effort to remain six feet apart during face-to-face interactions. The limit for elevator capacity shall be 2 people not in the same household, and this restriction posted at the elevator entries. All judges are encouraged to be aware of appropriate room capacities and social distancing for any proceeding occurring in their courtroom.

The Jury Assembly room has a maximum capacity of 24 people. In order to coordinate the use of this room among the classes of courts, and allow for appropriate cleaning and social distancing, any court or office requesting use of it shall contact Lynn Epps, Court Administrator, for prior approval.

No office or entity will be allowed use of the Jury Assembly room without permission of the Court Administrator. It shall not be used for meetings, trainings, conferences, receptions, or any other functions other than those solely related to conducting court (for example, arraignments, grand jury, jury assembly) for the duration of this Order, and any extension thereof.

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2. Essential Functions: The Frank C. Mills, III Cherokee County Justice Center **shall remain open to the public** and the Courts shall be open to address essential functions, giving priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions include the following: (a) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (b) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (c) domestic abuse temporary protective orders and restraining orders; (d) juvenile court delinquency detention hearings and emergency removal matters; and (e) mental health commitment hearings.

3. Limitation and Suspension of In-Person Proceedings; Proceedings to be Conducted Remotely: The Justice Center remains open to the public for access of the essential functions of the courts. As noted in prior orders, the Courts of the Blue Ridge Judicial Circuit have worked hard to develop resources for conducting non-jury hearings remotely.

A, Suspension of In-Person Hearings: Therefore, this Order suspends and cancels any in-person hearings or proceedings in the Justice Center, except as otherwise allowed herein. Grand jury proceedings shall be permitted to continue in-person, in the JAR of the Justice Center, abiding by all public health guidance and procedures set forth in this Order.

B. Conduct of Remote Hearings: All classes of court shall conduct hearings remotely, by telephone or videoconference, except as otherwise provided herein. Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings shall be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules. In civil, criminal, juvenile, and administrative

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proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

If a party or a member of the public objects to the remote proceeding, the court shall sustain or overrule such objection prior to conducting the proceeding.

ANY PERSON WITHOUT ACCESS TO AN ADEQUATE INTERNET CONNECTION OR TO A DEVICE WHICH WILL PERMIT REMOTE PARTICIPATION SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE PRIOR TO HEARING. THE COURT ADMINISTRATOR WILL MAKE SUCH AVAILABLE FOR PARTICIPATION IN THE HEARING AT THE JUSTICE CENTER. IF YOU ARE ORDERED OR SUMMONED TO APPEAR, AND YOU HAVE NOT MADE THESE ARRANGEMENTS PRIOR TO HEARING, YOU SHOULD STILL APPEAR AT THE JUSTICE CENTER WHEN REQUIRED, ALTHOUGH YOUR HEARING MAY BE DELAYED OR CONTINUED AT THE DISCRETION OF THE ASSIGNED JUDGE.

C. In-Person Hearings; Treatment Courts: Essential matters as defined herein, and matters deemed emergencies by the assigned judge, may be held in-person, only if: (a) required by law to be in person, or (b) if it is not practicable for technical or other reasons for persons participate in the proceeding to participate remotely, AND (c) as long as any such hearing or matter is conducted in accordance with public health guidance and this Court's related orders.

Treatment courts and accountability courts may conduct in-person proceedings, if deemed necessary by the presiding judges of said courts, to address the special circumstances and needs of their participants. All such hearings shall be conducted in accordance with public health guidance and this Court's related orders.

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In order to insure for proper sanitation of courtrooms and public spaces, judges are encouraged to notify the Court Administrator prior to conducting an in-person hearing.

3. Alternate Locations: Nothing herein shall prohibit any class of court from conducting hearings or other business at an external or alternate location, with the agreement of the Cherokee County Board of Commissioners, in order to allow larger calendars while still abiding by social distancing and other public health guidance.

4. Livestream Broadcasts: Livestream links are available on the Court Administration website (<https://www.cherokeega.com/Court-Administrators-Office/>) for all proceedings not deemed to be confidential by law or otherwise held in open court.

5. Probate Court: The Probate Court shall conduct all business, with the exception of essential matters and emergencies, by appointment only. These appointments shall be scheduled and conducted in a way to ensure that applicants are required to maintain social distancing guidelines (for example, to limit the number of people in waiting area, hallways, and elevators). The Probate Court shall continue to provide essential services as set forth on the Probate Court website (<https://www.cherokeega.com/Probate-Court/>). The Probate Court shall coordinate with the Sheriff's courthouse security personnel to ensure that walk-in applicants are advised of the way they may schedule an appointment for the services sought.

6. Resumption of Jury Trials: The Chief Justice's current statewide emergency order has lifted the prohibition against conducting jury trials and has allowed the resumption of jury trials based upon local conditions. The committee established for development of a plan to resume jury

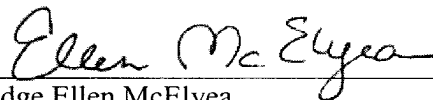
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trials has finalized its work.⁴ Current jury trial calendars have been published on the Clerk of Court's Website.

This Order shall become effective on March 11, 2021. In order to coincide with the statewide emergency orders, this Order shall remain in effect as long as the state-wide judicial emergency, as declared by the Supreme Court of Georgia, remains in effect, unless this Order is rescinded, amended, or superseded.

This document shall be posted at all entryways to the Justice Center, on the website of the Clerk of Court and the Court Administrator, and at the elevator entrances on all floors of the Justice Center.

SO ORDERED, this 11th day of March, 2021.



Chief Judge Ellen McElyea
Superior Court of Cherokee County
Blue Ridge Judicial Circuit

CC:

Sheriff Frank Reynolds
Judges of Cherokee Superior Court
Judges of Cherokee State Court
Judges of Cherokee Juvenile Court
Judge James Drane, Magistrate
Judge Keith Wood, Probate Court
Patty Baker, Clerk of Courts
Shannon Wallace, District Attorney
Todd Hayes, Solicitor-General
Lynn Epps, Court Administrator
Cherokee County Bar Association
Louis Turchiarelli, Indigent Defense Director
Cherokee County Board of Commissioners

⁴ A copy of the Blue Ridge Judicial Circuit Guide for Reopening Jury Trials can be found at https://www.cherokeega.com/Court-Administrators-Office/_resources/documents/2021-0217%20BLUE-RIDGE-JUDICIAL-CIRCUIT-JURY-TRIAL-PLAN.pdf.