

OCONEE JUDICIAL CIRCUIT
FIRST AMENDED GUIDELINES FOR EXPANDING IN-PERSON PROCEEDINGS¹

Introduction

In response to the COVID-19 pandemic, Chief Justice Harold Melton of the Georgia Supreme Court issued an Order Declaring Statewide Judicial Emergency on March 14, 2020. The courts remained open on a limited basis to perform essential functions and limited proceedings were conducted remotely using video technology. On June 12, 2020, Chief Justice Melton issued the Third Order Extending Declaration of Statewide Judicial Emergency reimposed deadlines and tasked each court with developing and implementing operating guidelines for in-person proceedings designed to protect the health of litigants, lawyers, judges, court personnel, and the public. On July 12, 2020, Chief Justice Melton issued the Fourth Order Extending Declaration of Statewide Judicial Emergency which further delineated the health precautions required for in-person court proceedings. The Court hereby adopts the Georgia Court Reopening Guide which is attached along with the following Circuit-specific guidelines. As mandated, these guidelines have been developed in compliance with public health guidance and with the requirements of the United States and Georgia Constitutions and applicable statutes and court rules. These guidelines may be amended as new information becomes available from public health authorities or in response to changes to the Declaration of Judicial Emergency issued by the Supreme Court of Georgia. The Circuit calendar for 2020 will resume as of July 20, 2020 to the extent possible while complying with these guidelines and proceedings shall occur virtually or in-person consistent with the Supreme Court of Georgia's Orders and guidelines. Courts are encouraged to conduct proceedings virtually or by telephone unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceedings to participate remotely.

¹ These guidelines are intended to replace the Oconee Judicial Circuit Guidelines for Expanding In-Person Proceedings adopted on June 22, 2020.

Guidelines

I. Health Screening at Entrances

In addition to regular security screening, bailiffs shall perform a health screening on all individuals seeking admittance to the court facility² on days where court proceedings have been scheduled. This includes attorneys and county officials in addition to the general public. Bailiffs shall use a no-contact thermometer to record the body temperature of all persons entering the facility. Any person having a body temperature of over 100.4° Fahrenheit will be subject to a secondary temperature screening. If the second temperature reading confirms a body temperature of over 100.4° Fahrenheit, the individual shall be denied entry. The bailiff shall record the name, phone number, and reason for visiting of the individual and contact the presiding judge or office where the individual was going to inform them of the denied entry.

Additionally, bailiffs shall ask a series of screening questions regarding whether entrants or anyone in their household have health symptoms consistent with COVID-19 infection, have been tested for COVID-19, or have been exposed to COVID-19. Bailiffs shall use the COVID-19 Screening Questions document provided to record the required information and responses. Individuals answering in the affirmative to any of the screening questions shall be asked to remain socially distanced while the bailiff informs the presiding judge of the results of the questionnaire. The presiding judge shall make the determination whether or not to deny entry to the individual. Individuals denied entrance who appeared as a party, attorney, or witness shall have his or her case continued. Should the individual be seeking access to a county office located within the court facility but not involved with a scheduled court proceeding, the corresponding county official shall be contacted to make alternative arrangements. Records of COVID-19 screening shall be retained for a period of 30 days.

² For the purpose of these guidelines, "court facility" refers to any courthouse, judicial annex, law enforcement center, or any other building in which an in-person judicial proceeding is scheduled to occur.

II. Facemasks or Coverings

Prior to resuming in-person proceedings, all personnel who work in the court facility shall be provided with Personal Protective Equipment (PPE) in the form of facemasks. All persons entering the court facility on a day with scheduled court proceedings shall be required to wear a facemask or an equivalent item which covers the nose and mouth to enter or exit the court facility. All court and government personnel shall wear a mask while interacting with the public. The local county government shall ensure that adequate numbers of disposable face masks shall be available so that any member of the public seeking to enter the court facility may be provided with one.

Bailiffs shall ensure that facemasks are worn by every individual entering the court facility. Individuals refusing to wear a facemask shall be denied entry and the presiding judge shall be informed of the refusal. Facemasks are required to be worn at all times within the court facility in public areas and must cover both the nose and mouth.

A witness may be required to remove his or her facemask upon taking the witness box or chair to testify. A ten (10) foot social distancing radius must be maintained around the witness at all times if the witness is asked to remove his or her mask. Individuals speaking during a court proceeding may remove his or her mask with the approval of the presiding judge provided that a ten (10) foot social distancing radius is maintained. Any person approaching the bench shall be required to wear a face mask and must obtain approval of the presiding judge before approaching.

III. Social Distancing

At all times within the court facility, social distancing shall be observed between individuals who do not reside together in the same home. Individuals wearing a facemask shall observe a six (6) foot social distancing radius while individuals not wearing a facemask shall observe a ten (10) foot social distancing radius. Plexiglass shields shall be installed around court personnel where room dimensions and layout do not permit the observance of adequate social distancing. Signs informing the public of social distancing policy shall be prominently displayed

in the court facility. Signs directing the public to the courtroom, bathrooms, and sanitizer stations have been displayed to discourage loitering and congregating in the hallways.

A maximum occupancy has been established for each courtroom, bathroom, and elevator in the court facility. Seats and tables in the courtroom have been marked to accommodate social distancing. The presiding judge has discretion to deviate from the prepared seating arrangement based on the demands of the particular proceeding or to permit cohabitating individuals to be seated together. Attorneys needing to move close to their clients to communicate effectively may do so or may request a recess from the presiding judge to consult with their client in a separate room. The Sheriff and his lawful deputies have the authority to enforce social distancing guidelines throughout the court facility.

IV. Hand Sanitizer and Restrooms

The county government shall provide adequate amounts of hand sanitizer for every scheduled court proceeding. Hand sanitizer stations shall be placed throughout the court facility, but at least at the entrances to the court facility and to the courtroom and inside the courtroom. Signs directing individuals to hand washing and hand sanitizer stations shall be displayed. County officials shall ensure that the bathroom is stocked with soap and paper towels at all times. Drinking fountains in the court facility shall be disabled.

V. Ongoing Sanitization

Prior to any scheduled in-person proceeding, the courtroom shall be cleaned and sanitized. The court facility shall be cleaned and sanitized at regular intervals. The courtroom shall be sanitized between every hearing and during recesses. At a minimum, every seat occupied must be sanitized between occupants and tables cleaned between uses. Parties and attorneys are encouraged to bring their own pen for use during proceedings. A pen may be provided by the Court which will be sanitized between uses. Hand sanitizer will be available in the courtroom for use by attorneys and the parties. Between hearings and during lunch recess, high-traffic areas of the court facility shall be sanitized. Special attention shall be given to sanitizing door handles, railings, push-button devices, elevator buttons, public benches, and arm rests.

VI. Courtroom Maximum Occupancy

Each courtroom has a set maximum occupancy that represents the maximum number of people, inclusive of court personnel, attorneys, parties, and observers, that may be safely permitted inside the courtroom in consideration of social distancing and ventilation concerns. Bailiffs shall track the number of people permitted within the courtroom and inform the judge should the maximum occupancy be reached.

In order to reduce the volume of people in the court facility at any given time, court proceedings shall be staggered throughout the day. Parties shall be notified of the specific time their case will be called. At no time should the maximum occupancy of the courtroom be exceeded and social distancing must be observed at all times. Parties and attorneys arriving early for their proceedings may be encouraged, but not required, to wait in their vehicles or a designated waiting area for their case to be called.

To the extent that courtrooms cannot be open to accommodate public viewing or the maximum occupancy of the courtroom is reached, best efforts shall be made to live-stream proceedings via the internet or broadcast directly into a public viewing area so that interested observers may see and hear proceedings.

VII. Virtual Proceedings

Courts shall continue to utilize virtual participation of proceedings via telephone or video-conference where possible. All virtual proceedings required to be public shall comply with open court requirements by notice posted on the Clerk of Court website, in-person accessibility, and access via hyperlink through the Clerk of Court and Eighth District websites. The presiding judge shall notify the parties of the procedure for the virtual introduction of evidence and documents in advance of the proceedings.

In any county in which there is substantial community spread of COVID-19, all proceedings should occur remotely unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceedings to participate remotely.

VII. Procedure for Symptomatic Individuals

Should an individual suddenly begin experiencing symptoms consistent with COVID-19, court personnel should immediately clear the public from the room and isolate the symptomatic individual. If the symptomatic individual was in a court proceeding, the proceeding should be recessed. Bailiffs should clear a route out of the court facility and once the individual can safely exit the building, should instruct the symptomatic individual to seek an evaluation by a health care professional. The room which held the symptomatic individual and all surfaces he or she contacted should be thoroughly sanitized before proceedings may resume.

VII. Procedure for Recommencement of Inmate Transfers from County Jail to Court Facility

Criminal proceedings involving incarcerated defendants may resume in the court facility subject to compliance with these guidelines. The Sheriff shall ensure that all inmates and detainees are transported in a manner consistent with social distancing and shall not transport more inmates than the holding room can accommodate with six (6) foot social distancing measures. Inmates shall be required to wear facemasks provided at all times. The transport vehicle shall be sanitized between each transport.

VIII. Staff Policy and Procedure

All court staff are required to wear a facemask while interacting with the public. On days in which court proceedings are scheduled, court personnel, including bailiffs, shall receive a temperature check and health screening. Staff shall be provided face masks if they do not provide their own and shall have access to hand sanitizer. Public access to private offices shall be restricted where possible and the sharing of office space and equipment discouraged.

Court personnel shall follow the most recent Georgia Department of Health's Administrative Order for Public Health Control Measures. At the time of this Order, the Seventh Amended Administrative Order for Public Health Control Measures requires persons who have received a positive COVID-19 lab-confirmed test for COVID-19, are suspected to have COVID-19 based on symptoms recognized by the CDC, or have been in close contact with a person with

known or suspected COVID-19 to isolate or quarantine themselves at home. Upon notification by a healthcare provider, public health official, or clinical laboratory of a positive laboratory-confirmed test for COVID-19 or a diagnosis based upon symptoms, the person testing positive or exhibiting symptoms for COVID-19 shall immediately isolate himself or herself at home or another location approved by the Department of Public Health. Court staff required to isolate shall immediately notify their supervising judge to make arrangements to work from home until such time as he or she no longer presents a risk of infection as determined by the Georgia Department of Health's Isolation Protocol then in effect.

Court staff who have been in close contact (within six (6) feet for fifteen (15) minutes or more) with a person who has tested positive for COVID-19 or who has received a diagnosis of COVID-19 infection based on symptoms shall immediately quarantine him or herself at home. Staff shall notify their presiding judge of the need for quarantine immediately. Each quarantined person shall remain at home or in the approved quarantine location for a period of fourteen (14) days from the person's last known exposure to COVID-19. During the period of quarantine, the quarantined person shall take his or her temperature twice per day and monitor any symptoms of respiratory illness. If at any time the quarantined person experience symptoms of COVID-19, the person shall seek medical attention as needed, notify the Department of Public Health, and, when possible but as soon as practicable, notify their supervising judge. The supervising judge shall ensure that the local health department or Department of Public Health is notified as required for contact tracing.

As many of our court facilities share space with county officials not under the supervising authority of the court, the county government is requested to notify the Chief Judge of Superior Court of all positive COVID-19 tests and COVID-19 diagnoses. To ensure medical privacy, the individual receiving the positive test or diagnosis need not be identified. However, the county government is requested to identify which offices have been affected and to identify any court staff who have been in close contact (within six (6) feet for fifteen (15) minutes or more) of the infected individual. The Chief Judge will then notify the respective individual and his or her supervising judge to arrange for precautionary isolation and ensure that the Department of Public Health has been notified for contact tracing.

IX. Notice and Objections

Notice of these guidelines shall be posted in each court facility, published on the Clerk of Court website, and shall be distributed to the local bar association. A summary of these guidelines shall be included in all notices to appear in court so that public may be aware of the measures taken to ensure their safety. Additionally, these guidelines will be provided to the Administrative Office of the Courts and posted to the Eighth District website which may be accessed at <http://www.eighthdistrict.org/default.htm>.

The Court cannot guarantee that these guidelines will prevent the contraction or spread of COVID-19 or any other infectious disease. If any person has an objection to attendance or participation in an in-person proceeding, then he or she must make a written objection to the presiding judge within three (3) days or as soon as practicable and shall file the objection with the Clerk of Court. The objecting person shall propose a reasonable accommodation to insure participation at the proceeding. Special consideration shall be afforded to objections made by individuals at high risk of severe illness from COVID-19. The presiding judge has discretion in ruling on the objection and implementing any reasonable accommodation.

X. Applicability

Pursuant to the Supreme Court's Fourth Order Extending Declaration of Judicial Emergency, each court must develop and implement operating guidelines prior to resuming in-person court proceedings. Courts of different classes that share court facility facilities are encouraged to coordinate their operating guidelines. Accordingly, these guidelines have been prepared in consultation with the judges of the Superior, Juvenile, Probate, and Magistrate Courts of the Oconee Judicial Circuit. Each judge of said court has been provided a copy of these guidelines, been afforded an opportunity to review these guidelines, and has adopted these guidelines as indicated by their signature below.

It is the responsibility of each judge presiding over in-person court proceedings to ensure that these guidelines are fully implemented and observed prior to and during all in-person court proceedings. If, for any reason, the guidelines cannot be followed, the presiding judge shall cease in-person court proceedings and continue all scheduled cases to a later date.

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020



Sarah F. Wall, Chief Judge
Oconee Judicial Circuit
Superior Court



C. Michael Johnson, Judge
Oconee Judicial Circuit
Superior Court



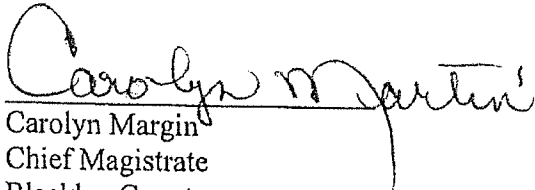
Howard C. Kaufold, Jr, Judge
Oconee Judicial Circuit
Superior Court




Stephanie D. Burton, Judge
Oconee Judicial Circuit
Juvenile Court

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020



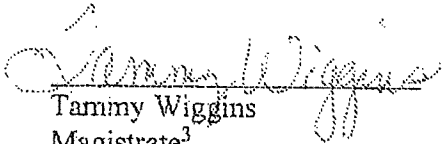
Carolyn Margin
Chief Magistrate
Bleckley County

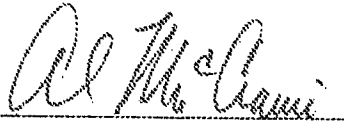


Jonathan Fordham, Judge
Probate Court
Bleckley County

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020

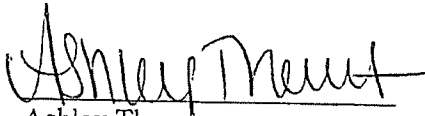

Tammy Wiggins
Magistrate³
Dodge County



Al McCranie, Judge
Probate Court
Dodge County

³ Chief Magistrate Lonnie Parkerson passed away on July 16, 2020 leaving the position of Chief Magistrate vacant pending an appointment pursuant to O.C.G.A. § 15-10-20.

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020


Ashley Thornton
Chief Magistrate
Montgomery County

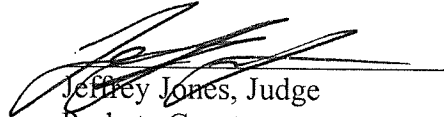

Rubie Nell Sanders, Judge
Probate Court
Montgomery County

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020



Carlette Gibson
Chief Magistrate
Pulaski County



Jeffrey Jones, Judge
Probate Court
Pulaski County

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So ORDERED, this 17th Day of July, 2020



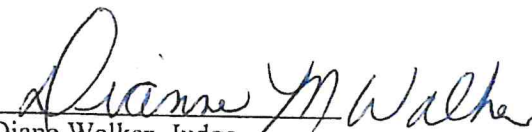
Bryan Selph
Chief Magistrate
Telfair County

Diane Walker, Judge
Probate Court
Telfair County

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020

Bryan Selph
Chief Magistrate
Telfair County


Diane Walker, Judge
Probate Court
Telfair County

The undersigned have reviewed the above guidelines and hereby adopt the same for implementation until they are amended or rescinded.

So ORDERED, this 17th Day of July, 2020

A handwritten signature in black ink, appearing to read "Linda Harrelson", written over a horizontal line.

Linda Harrelson, Judge
Probate and Magistrate Courts
Wheeler County