

**IN THE JUVENILE COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA**

In Re: Updated Court Operations During Declaration of Judicial Emergency
Date: April 6, 2020

**AMENDED
ORDER ON COURT OPERATIONS DURING
DECLARATION OF JUDICIAL EMERGENCY**

WHEREAS, the Chief Judge of the Superior Court for the Clayton Judicial Circuit has issued an ORDER DECLARING JUDICIAL EMERGENCY mandating that each level of court affected by the County's activation of the Emergency Plans are to comply with the continuity plans developed for their respective court in the event of an emergency such as that declared by the Governor, the Chief Justice, and Chairman Turner;

WHEREAS, the undersigned judge issued an order on March 18, 2020 identifying the essential functions of the juvenile court and operationalizing the continuity plan of this court, which delineates the manner, process, and procedure for executing and performing all essential functions;

WHEREAS, Governor Brian Kemp has issued a Shelter at Home order for all counties mandating that all citizens stay at home except in certain circumstances including jobs that perform essential functions and services;

WHEREAS, since the issuance of the original order dated March 18, 2020, certain practices and procedures have been created, developed, and implemented to promote, further, and execute the essential functions and services of the court including but not limited to expanded video court procedures, weekly status conferences involving detained children, parents, and counsel for the State and the child, conducting disposition hearings on detained children; procedures for supervising children in foster care and under the supervision of the court for delinquent acts, and establishing weekly staff meetings using video conferencing; and

WHEREAS, the undersigned judge finds good cause to issue an amended order to include the aforementioned procedures and ensure the consistent continuity of operations of the court during the remainder of the declared judicial emergency, therefore

IT IS HEREBY ORDERED AND ADJUDGED that the original order dated March 18, 2020 is **AMENDED** by the following language set forth in underline:

1. For purposes of juvenile court administration and judicial hearings, essential functions for the juvenile court shall include: 1) The filing of complaints pursuant to the exclusive original and concurrent jurisdiction of the juvenile courts as set forth in O.C.G.A. §§15-11-10 and 11 that involve exigent circumstances and require an emergency order; 2) The removal of a child from the home for purposes of protective custody on allegations of dependency pursuant to O.C.G.A. § 15-11-133 (f); 3) the detention of a child alleged to have committed a delinquent act pursuant to O.C.G.A. § 15-11-502 (3); 3) Issuance of arrest and search warrants as provide for in O.C.G.A. § 15-11-9; Preliminary protective hearings involving the removal of children from their home and placed in state custody as set forth in O.C.G.A. §§ 15-11-145 and 146; 4) Preliminary detention hearings involving the arrest and detention of a child alleged to have committed a delinquent act as set forth in O.C.G.A. § 15-11-506; 5) Cases involving the liberty interest of children who are detained pending the next adjudicatory or disposition hearing provided said hearing does not require a victim or other witnesses to leave their shelter at home location and appear before the court in person; and 6) Cases involving parents whose children have been removed from their home and placed is state custody awaiting adjudicatory and disposition hearings provided said hearing does not require a victim to leave their shelter at home location and appear before the court in person;

2. The Court Administrator shall post signage on the door for public access that states the following: "While for the safety of all concerned our courthouse building itself is closed to the public, the Juvenile Court and Clerk's Office are still open and are addressing essential functions. Please call Intake at (770) 473-5977, so that an Intake Officer can screen your situation. If your situation involves an emergency that would require an immediate court order, the Intake Officer will receive your complaint for filing. All other matters will be scheduled by appointment. If you are a parent, guardian, or custodian and have been summoned to a court hearing, please call the above number and an Intake Officer will admit you into the courthouse and escort you to the courtroom."

3. During business hours, the Intake Division and the Clerk's Office shall be open and staffed at a minimum as determined by the heads of each division that ensures proper functioning. All other staff are permitted entry into the courthouse involving the execution of an essential function.
4. One courtroom shall remain open and dedicated to conducting preliminary protective hearings and other detention hearings (delinquency) and hearings of children removed from the home (dependency) using video conferencing. The Court Administrator or designee shall deliver instructions to all counsel, parties, and others required to attend any hearing respecting the operations of the video conferencing application. Children in detention shall not be transported to the Court for their safety and the safety of others, but shall attend by video;
5. The Court shall hear all preliminary detention and protective hearings as an essential function without fail. Adjudication and disposition hearings shall be heard provided that it does not require a victim or witness to leave their shelter at home location. To this end, uncontested matters involving admissions or stipulations of disposition in delinquent matters of detained children or stipulations of adjudicatory and disposition in dependency matters involving children in foster care. The manner in which admissions and stipulations may be executed shall be considered on a case by case basis by directing an email to the undersigned judge with all counsel included in the transmission;
6. All court personnel and others providing essential services to the court have been identified in a separate order authorizing travel to the court from their shelter at home location;
5. The use of a Guardian ad Litem in dependency proceedings shall be **SUSPENDED** during this interim period to minimize gatherings in the courtroom. The court shall rely on the child attorney as set forth in O.C.G.A. § 15-11-104 (b) unless there is a conflict of interest between the attorney's duty to such child as such child's attorney and the attorney's considered opinion of such child's best interest as a guardian ad litem whereupon if such conflict should arise, a CASA Supervisor shall be ready and available to travel to the hearing. Children under 14 years of age shall not be brought to the juvenile court during this interim period. The Clayton County Division of Family and Children Services (DFCS) shall provide the child attorney telephonic access to children 14 years of age or older may waive their presence. In order to comply with the orders of the Chief Judge of the Superior Court and the Chief Justice of the Supreme Court that requires for courts to "give priority to matters necessary to protect health, safety, and liberty of individuals,"

only counsel and parties shall be admitted into the courtroom so as minimize the risk of spreading the Covid-19;

8. Designated Court officers serving as quasi-judicial officers pursuant to O.C.G.A. §15-11-502 (3) shall only consider for detention those children alleged to have committed and for which probable cause is established on the face of the complaint in matters involving a felony crime against a person to include a felony sex offense;

9. Children alleged to have committed a designated felony offense not involving a crime against a person may be considered for detention provided probable cause is established on the face of the complaint and the undersigned judge is consulted and authorizes detention;

10. All other delinquent acts for which there may be underlying aggravating circumstances (e.g. the child has a history of assaultive behaviors or scores 12 points or more on the Detention Assessment Instrument) for which the evidence is clear and convincing that detention or care is required to reduce the likelihood that the child may inflict serious bodily harm on others pending the next hearing may be detained provided probable cause is established on the face of the complaint and the undersigned judge is consulted and authorizes detention;

11. There shall be a team established to evaluate all children detained at the time the judicial emergency was declared to ascertain if said children would be eligible for release in accordance with the criteria set forth in paragraphs 8 through 10. The team shall at a minimum consist of the chief of investigations, chief of intake operations, and the juvenile detention alternatives coordinator. The team may include others they deem appropriate including consult with the case expediter for the Department of Juvenile Justice;

12. The undersigned judge will conduct weekly status conferences of each child in detention to include the parents, state's attorney, and counsel for the child using video conferencing involving those matters that cannot be resolved before the expiration of the Covid-19 judicial emergency. The purpose and objective of the conferences are to re-assure the child and parents of the court's interest in the emotional and physical welfare of said child, assess conditions of confinement of each child, re-evaluate to determine if release may be an option, and to ensure a stay-in-contact for the child as recommended by professionals during the shelter-in-care period;

13. The chiefs of each division of court operations responsible for supervising children on delinquent matters or children in foster care shall take all steps necessary to establish rules, procedures, and protocols to continue and maintain contact with said children under the supervision of the court by utilizing electronic means available to the parents and children. The preferable means of electronic communication shall be video using what is available to the family such as FaceTime, Duo, Skype, Zoom, or other application so long as the supervising officer also possesses the same capability. If the family does not have the video capability, the child and parents shall be contacted by telephone, or other available mode of communication;

14. There shall be weekly administrative staff meetings convened by the undersigned judge via Zoom video every Friday at 1:00 p.m. unless another time is designated. The meetings shall include the Court Administrator, Chief of Staff, chiefs of all divisions, the JDAI Coordinator, and the Information Technology Coordinator. The purpose of the meetings is to maintain contact and communications between the divisions to ensure all operations are operating consistently and in tandem with each other where those divisions overlap and share responsibilities, to evaluate operations and assess issues, problems, and concerns, and generate possible solutions; and

9. Any other considerations respecting the operations of the juvenile court not addressed in this order but confronted or presented in the future shall be communicated to the undersigned judge for review, consideration, and action.

SO ORDERED this 5th day of April 2020.



Honorable Steven C. Teske
Chief Presiding Judge
Juvenile Court of Clayton County
State of Georgia

CLAYTON COUNTY
JUVENILE COURT
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