

**IN THE 16th JUDICIAL CIRCUIT—ORANGE AND MADISON COUNTY CIRCUIT
COURT**

ORDER

WHEREAS, on or about March 12, 2020 Gov. Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency because of the Coronavirus COVID-19, including, without limitation a statewide ban on all events over 100 persons;

WHEREAS, on or about March 16, 2020 President Trump declared a National State of Emergency because of the Coronavirus (COVID-19);

WHEREAS, on March 16, 2020, the Chief Justice of the Virginia Supreme Court received a request from Gov. Northam for a declaration of a judicial emergency consistent with 17.1-330 et seq. of the 1950 Code of Virginia, as amended;

WHEREAS, on or about March 16, 2020, the Honorable Donald W. Lemons, Chief Justice of the Virginia Supreme Court entered the attached Order Declaring a Judicial Emergency in Response to the Coronavirus;

WHEREAS, In instances of emergency conditions, whether natural or otherwise, that significantly disrupt access to or the operations of one or more courts or other judicial facilities of the Commonwealth or the ability of the Judiciary to operate effectively, the Chief Justice of the Virginia Supreme Court may be required to determine the extent to which court operations or judicial functions shall continue; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and consistent with guidance issued by the Centers for Disease Control, an emergency exists that poses a threat of imminent and potentially lethal harm to individuals who come into contact with court or judicial facility and personnel; and

WHEREAS, To the extent possible, the courts and judicial offices and units have remained operational and provided scheduled and required events while balancing the health and safety needs of court visitors and personnel during the early stage of this emergency; and

WHEREAS, Escalation of the emergency now requires further measures to protect the health and safety of Virginia residents and Judiciary personnel,

NOW, THEREFORE, I, Dale B. Durrer, Presiding Judge of the Orange and Madison County Circuit Courts do hereby ADJUDGE, ORDER AND DECREE the following beginning March 16, 2020 through April 6, 2020:

- I. Non-essential and non-emergency court proceedings in the Circuit Courts are **SUSPENDED** and all deadlines hereby tolled and extended consistent with 17.1-330(D), et seq., for a period of twenty-one (21) days;

- II. The following cases, including, without limitation, shall be continued and the court ORDERS that counsel submit dates for the next 120 days to chambers to reschedule the same:
 - A. All civil cases (jury and non-jury);
 - B. All Equitable Distribution cases;
 - C. Criminal sentencings;
 - D. Probation Violations;
 - E. Custody and Visitation determinations;
 - F. Pendente Lite hearings;

- III. Courtroom attendance is hereby limited to attorneys, parties, necessary witnesses, bailiffs, court staff and members of the press;

- IV. Because of the sacred right to a speedy trial enshrined in the United States and Virginia Constitutions, and codified in 19.2-243, all criminal jury and non-jury trials will continue as scheduled. The court will consider any motions to continue and will excuse jurors who are ill, or in a high-risk category as defined by the Centers for Disease Control (CDC).

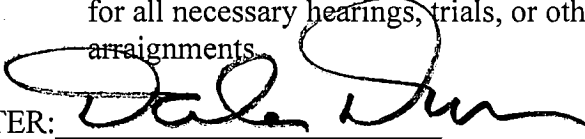
- V. Judicial operations, including without limitation, the Clerk's Offices shall continue to the extent practicable subject to the following limitations:
 - A. No one other than court-staff or bailiffs shall be allowed within the inner offices of the Clerk's Office;
 - B. The Clerk's Office shall not conduct in-person probate hearings;
 - C. The Clerk's Office shall not accept cash payments;

- VI. The following mandatory matters, including, without limitation, shall continue to be scheduled and heard in keeping with the urgency of those matters and consistent with mandatory statutory requirements, either in person or remotely/video consistent with Virginia law:
 - A. Quarantine and Isolation Matters;
 - B. Emergency Motions for Temporary Injunctions;
 - C. Bail hearings and reviews;
 - D. Termination of Parental Rights cases;
 - E. Arraignments;
 - F. Emergency Habeas Corpus Petitions;
 - G. Domestic Violence Protective Orders;
 - H. Emergency Risk Protective Orders;
 - I. Initial appearances by video, including, without limitation, arraignments;

- VII. To the extent that the court has the capacity to hear additional matters, this Order does not prohibit such proceedings, with access to members of the public as justice requires. The Court shall notify all participants to the proceeding if a matter will proceed;
- VIII. This Administrative Order does not affect the court's consideration or resolution of matters that can be addressed without a proceeding that involves testimony or argument;
- IX. All other matters scheduled to be heard between March 16, 2020, through April 6, 2020, are postponed pending any further orders that may be entered by the court;
- X. Requests for emergency hearings or for cases with mandated statutory hearing deadlines will be handled through chambers;
- XI. This policy may be extended depending on the progress of containment of the virus and policies and recommendations from the Virginia Supreme Court and the Office of the Governor;
- XII. The Sheriff shall have at least one (1) bailiff at the entrance to the courthouse and individuals will not be allowed to enter the courthouse if they have:
- A. Visited China, South Korea, any European countries, or any other high-risk country as defined by the CDC within the last fourteen (14) days;
 - B. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - C. Been asked to quarantine, isolate or self-monitor by doctor, hospital or health agency;
 - D. Been diagnosed with, or have had contact with anyone who has been diagnosed with COVID-19
 - E. A fever, cough or shortness of breath;
- XIII. Individuals attempting to enter the court in violation of this order may be denied entrance by a bailiff or court security officer;
- XIV. The court will use video and/or telephonic technology, consistent with Virginia law, for all necessary hearings, trials, or other matters, including, without limitation, arraignments

ENTER: _____

DATE: _____


3/17/20