

VIRGINIA: IN THE 26th DISTRICT JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

EMERGENCY ORDER

It appearing to the Court that the President of the United States and the Governor of the Commonwealth of Virginia having issued emergency declarations regarding the health and safety of all citizens and;

Whereas, on March 16, 2020 the Chief Justice of the Supreme Court of Virginia declared a judicial emergency ordering non-essential, non-emergency court proceedings in all Circuit and District Courts be suspended and deadlines tolled and extended pursuant to Va. Code §17.1-330(D);

That the Virginia Department of Health (VDH) has confirmed, as of this date, multiple coronavirus cases in the Commonwealth of Virginia;

It further appearing to the Court that it has the authority pursuant to S§ 16.1-69.35 of the Code of Virginia, as amended, to determine when the Court shall be open to conduct business in light of prevailing conditions which could constitute a threat to the health or safety of the Court and the Clerk's Office personnel and the general public;

ACCORDINGLY, the Court will reduce operations to those that have been determined to be essential for continued orderly administration of justice in compliance with the Order of the Chief Justice of the Supreme Court of Virginia in declaring a judicial emergency, the following essential measures will be in effect as set forth below:

1. All civil matters, to include custody, visitation and support currently scheduled on the Court's docket from March 17 through April 16, 2020 will be continued to a date no earlier than 1 May 2020. Court personnel will re-summons all parties with the rescheduled courts dates.
 - a. Any litigant of the belief an emergency in hearing any of these matters is necessary, may file a motion for an emergency hearing, identifying specific reasons constituting an emergency, for review by a Judge,
 - b. May file a petition for a Preliminary Protective Order.
2. Adult criminal cases where the Defendant is not incarcerated will be continued to the earliest possible date, once services are returned to normal. Adult criminal cases where the defendant is and will remain incarcerated will continue with their existing court date. When possible the defendants in these matters will have their trial conducted via video teleconferencing and not transported by law enforcement in the Court's discretion. Witnesses for the victim and/or the Commonwealth may be permitted to testify by phone, as the Court deems appropriate.
3. Juvenile Delinquency (criminal) cases where the Juvenile is not held in Detention will be continued to the earliest possible date, once services are returned to normal; Juvenile traffic offenses will be continued to the next available law enforcement officers next available date after May 1, 2020. Cases in which the juvenile is detained will be heard as soon as practical, or on the regularly scheduled court date. The detained juvenile may not be transported but made available for trial through video-teleconferencing in the courts' discretion.
4. Witness for any of the above scheduled continuances are hereby EXCUSED from appearing and will be resummonsed for the new court date.

5. All juvenile licensing ceremonies are hereby cancelled. All currently scheduled licenses will be mailed to the individual; all required ceremonies will be waived until June 1, 2020.
6. Courtroom attendance for all matters continuing on the Courts' dockets may be limited to those individuals directly involved with the cases. Attorney's and other associated officers of the court will limit their participation and attendance to those cases they are directly involved with.
7. Until June 1, 2020, all mediation screenings will be by direct referral from the Court.

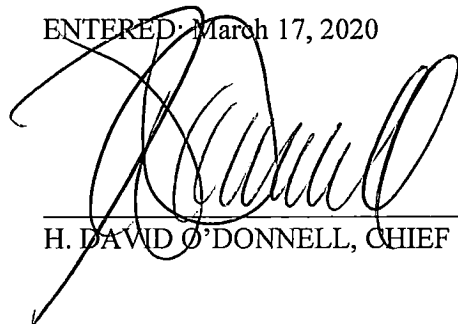
The Court will continue to conduct hearings for the following type of cases;

8. Bond motions, Motions for reconsideration of bond.
9. Petitions for Family Abuse Protective Orders, Preliminary Protective Orders, Emergency hearings in regard to the custody and visitation of minors as determined a priority by a judge.
10. Petitions for Abuse and Neglect, Termination of parental rights and Foster Care reviews.
 - a. The Court will continue to respect a parties' right to timely court hearings where the state has interfered with their parental rights, however, any requests by those parties to continue the matters on the docket will be treated with a liberal continuance policy, or by telephonic or video technology when possible or desired.
 - b. Motions to amend final Child Protective Orders will not be set until after June 1, 2020, absent exigent circumstances on a case by case basis.
 - c. Witness requirements should be limited where possible; cases in which a witness or family member is ill, those witnesses will be excused or telephonic or video technology will be utilized.
11. Preliminary protective orders will be heard in chambers in an ex-parte procedure, and applicants are urged to provide detailed facts in the affidavit to support a finding of family abuse as that term is defined in §16.1-228.
12. Family abuse protective orders will be heard in full court; however, witnesses may be limited and must be approved by the Judge on a case by case basis.

Any lawyer or pro se litigant experiencing a fever or symptoms of illness, or who has within fourteen days returned from international travel from countries identified by the Center for Disease Control as experiencing elevated risk for coronavirus, must report this fact to the court before entering the building; all individuals entering the Court for cases in the Juvenile & Domestic Relations District Courts will comply with reasonable directives of courthouse security personnel regarding entry.

IT IS SO ORDERED.

ENTERED: March 17, 2020



H. DAVID O'DONNELL, CHIEF JUDGE