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MAHA-REBEKAH R. ABEJUJELA  
JONATHAN D. FRIEDEN  
JUDGES

## COMMONWEALTH of VIRGINIA

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT  
19<sup>TH</sup> JUDICIAL DISTRICT  
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FRANK L. DEIRHOI  
JANE P. DELBRIDGE  
MICHAEL J. VALENTINE  
TEENA D. GRODNER  
HELEN F. LEINER  
RETIRED JUDGES

ARNOLD B. KASSABIAN  
1976-1994

PHILIP N. BROPHY  
1974-1980

### Revised Policies of the Fairfax County Juvenile and Domestic Relations District Court to Slow the Spread of Coronavirus Disease (COVID-19)

(Revised 3/25/2020)

The Fairfax County Juvenile and Domestic Relations District Court (the "**Court**") continues to monitor the outbreak of coronavirus disease (COVID-19); actions taken by federal, state, and local authorities; and other recent developments; to ensure that its policies and procedures reflect the best evidence currently available about the pandemic. Accordingly, the Court enacts the following revised policies and procedures, which are effective immediately and continue through at least **May 10, 2020**:

1. **Court Personnel**. Any Court personnel who have symptoms such as fever, cough, shortness of breath, or have been exposed to the coronavirus shall not report to work but shall promptly report their symptoms to their supervisor.
2. **Counsel and Litigants**. Any party, counsel, or witness who has symptoms such as fever, cough, or shortness of breath, or has been exposed to the coronavirus shall notify the Court before appearing for any hearing.
3. **Non-Case Related Events**. **The Court's non-case related events (including all operator license ceremonies, school court tours, and intern and volunteer programs) are suspended.** The Court shall reschedule affected operator license ceremonies or make alternative arrangements for the distribution of licenses to those affected.
4. **Filings**. Attorney-filed papers should be dropped through the document slot in Room 303. For all other filings, the Court will make available a secure container, from which documents will be regularly collected and date-stamped by Court staff. All filings should have necessary filing fees attached by check and include a self-addressed stamped envelope if the filer wishes to have a copy of the date-stamped filing returned.
5. **Court Preparation**. The Court wishes to reduce the periods during which crowds of people are in the courthouse and, particularly, in the hallway waiting areas of the third floor. Accordingly, **for all hearings, the parties and counsel (including, without limitation, the Commonwealth and defense in criminal cases) shall be ready for trial at the time that the matter is scheduled to be heard.** All pretrial tasks (including, without

limitation, negotiation of plea agreements and recommendations, meeting with defendants, interviewing and preparing witnesses, and executing agreed orders) shall be completed in advance of the scheduled trial time. Ideally, **all pretrial tasks should be completed before the day of trial.**

6. Agreed Orders. Fully-endorsed agreed orders may be submitted to the court electronically, via email to an address that will be disseminated separately, with the original delivered to the Court via mail within three days thereafter. The Court expects to receive such filings at the email address [JDRDC-Filings@fairfaxcounty.gov](mailto:JDRDC-Filings@fairfaxcounty.gov) in the next few days; until such time as the email address is active, agreed orders should be submitted as usual.
7. Hearing Attendance. **Only necessary persons (e.g. parties, their counsel, and witnesses) shall be permitted in courtrooms during hearings.** All other persons should stay away from the courthouse.
8. Revised Continuance Policy. Any party, counsel, or witness who has traveled internationally since January 1, 2020 or who feels ill should request a continuance. Consistent with all other legal requirements, a **liberal continuance policy** is in effect for all matters that are not suspended by these policies and procedures.
9. Traffic Cases. **All traffic hearings are suspended.** The Clerk of Court shall continue each of those hearings to a date no earlier than May 10, 2020. The Clerk shall make reasonable efforts to continue each case to a date that the applicable officer is already scheduled to be in court.
10. Criminal Cases.
  - a. **Arraignments and bond motions will be heard daily at 11:30 a.m.** For arraignments, bond motions, and detention hearings, each defendant shall appear by video from the applicable detention facility, juvenile intake, juvenile holding, or Shelter Care. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well.
  - b. **All criminal trials and sentencing hearings for defendants not held in custody are suspended. All review hearings, except for those in which the defendant is held in the Juvenile Detention Center or custody with the Department of Juvenile Justice (DJJ), are also suspended.** The Clerk of Court shall continue those trials and hearings to dates no earlier than May 10, 2020. Beta review hearings shall continue to be heard as usual.
  - c. Attorney advisement hearings for defendants arrested and released on bond or recognizance shall be set no earlier than 60 days after the initial arrest.
  - d. Trials for defendants not continued in custody pending trial shall be set no earlier than 60 days after the arraignment or detention hearing.
  - e. Trials for defendants granted a cash or corporate surety bond and indicating an intention to retain counsel shall be set no earlier than 60 days after the



arraignment. In addition, the Court shall set an attorney status hearing for each such defendant for a date that is no later than seven days after arraignment. The defendant shall appear at the status hearing by video, unless he or she can only appear in person. If the defendant is released on bond subsequent to the arraignment but prior to the status hearing, the status hearing shall be removed from the docket and the defendant does not need to appear at the scheduled status hearing.

- f. Trials for defendants held without bond shall be set approximately 30 days after the arraignment. In addition, if the defendant has indicated an intention to retain counsel, the Court shall set an attorney status hearing for each such defendant for a date that is no later than seven days after arraignment. The defendant shall appear at the status hearing by video, unless he or she can only appear in person.
- g. **Criminal motions are limited to bond (including motions to modify or revoke bond), continuance, detention review, and emergency motions only.** If the defendant is incarcerated, he or she shall appear at the hearing via video, unless his or her appearance is waived. Agreed discovery orders may be submitted as usual.

#### 11. Civil Cases.

- a. Rules to show cause hearings for support obligations where the respondent is held in custody shall be heard as scheduled.
- b. **All other custody, visitation, and support status hearings and trials are suspended.** Each of these matters shall be set for a new status hearing no earlier than May 10, 2020. **Emergency motions, for cases in which relief is necessary to prevent imminent and substantial physical or psychological harm to a child, shall be heard as usual.**

#### 12. Protective Orders.

- a. Preliminary Protective Orders. **Preliminary protective orders shall be heard by affidavit only.**
- b. Motions. Motions to amend, modify, extend, or dissolve protective orders (whether arising from a civil filing or criminal case) shall be heard as previously scheduled. Any future motions to amend, modify, extend, or dissolve protective orders shall be given priority on the Court's docket and scheduled for a date and time certain.

13. Motions. **Wednesday Motions dockets are suspended.** Except as otherwise stated herein, the Clerk of Court shall continue all other pending motions to the scheduled trial date. **Emergency motions, for cases in which relief is necessary to prevent imminent and substantial physical or psychological harm to a child, shall be heard as usual.** Emergency motions must state, with particularity, the factual basis for claiming that

relief must be granted on an emergency basis. Each such motion will be reviewed by a judge before it is docketed.

14. Child Dependency Hearings.

- a. **Five-day hearings and merits and dispositional hearings shall proceed as scheduled. All other hearings are suspended** and shall be continued by the Clerk of Court to a date no earlier than May 10, 2020.
- b. All counsel of record involved in Fairfax County, Department of Family Services (DFS) child dependency cases currently set on the court's docket for a post-disposition hearing shall, if all parties and counsel agree, submit an agreed order to the clerk's office, setting forth that reasonable efforts have been made as required by the Code of Virginia. Once any agreed order is submitted, the hearing shall be continued by the clerk's office and the parties shall not appear on the currently scheduled court date.
- a. If all counsel of record involved in Fairfax County, Department of Family Services (DFS) child dependency cases currently set on the court's docket for a post-disposition hearing, do not agree that reasonable efforts have been made to reunite the child with his or her family, the parties shall appear on the currently scheduled court date for the sole purpose of the court determining if reasonable efforts have been made as required by the Code of Virginia. After a determination of the reasonable efforts issue, the Court will continue the matter to another date for good cause.

15. These policies and procedures are subject to modification as circumstances develop.