

IN THE JUVENILE COURT OF
RUTHERFORD COUNTY
AT MURFREESBORO, TENNESSEE

INRE: COVID-19 PANDEMIC

FILED

MAR 27 2020

11:35 A
O'CLOCK
MELISSA HARRELL
DEPUTY CLERK

SUPPLEMENTAL ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

In response to the COVID-19 pandemic, on March 13, 2020, the Chief Justice of the Tennessee Supreme Court has declared a state of emergency for the Judicial Branch of Tennessee Government. Thereafter, on March 25, 2020, the Tennessee Supreme Court issued a second Extended Order which further addresses the COVID-19 emergency. A copy of the Supreme Court of Tennessee Order filed March 25, 2020, is attached hereto and incorporated herein by reference.

First and foremost, the Juvenile Court of Rutherford County, sitting in Murfreesboro, Tennessee remains open as of now under all circumstances, subject to the provision of said order.

Emergency petitions will still need to be filed with the Clerk of the Court and those petitions will be presented for review by the Court immediately. All Agreed Orders lodged and submitted for approval will be submitted to the Clerk of the Court and submitted to the Court for approval. As to filings with the Court, that is controlled by the Clerk of the Court and any issues regarding that process shall be addressed to the Clerk of the Court.

All in-person proceedings will remain suspended, through Thursday, April 30, 2020, subject to the exceptions below. Non-emergency cases that are set for hearing during this period of time will be continued and reset to a future date. The process for resetting cases will be determined in the next few weeks.

As previously set forth, exceptions to this suspension of in-person Court proceedings include, but are not limited to:

- Proceedings necessary to protect Constitutional Rights of criminal (delinquent) defendants including bond-related matters, preliminary hearings for incarcerated individuals, and plea agreements for incarcerated individuals
- Proceedings related to relief from abuse, including but not limited to orders of protection
- Proceedings related to statutory order of protection hearings after entry of an ex parte order as necessary to satisfy any due process concerns
- Proceedings related to emergency child custody or visitation orders
- Proceedings related to the voluntary surrender of parental rights
- Settlements involving a minor or a person with a disability

- Department of Children's Services emergency matters related to child safety, placement, permanency, or federal funding for children in foster care
- Proceedings related to petitions for temporary injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings related to emergency protection of elderly or vulnerable persons
- Proceedings directly related to the COVID-19 public health emergency
- Other exceptions as approved by the Chief Justice

The manner in which in-person Court proceedings, for the exceptions listed above, are to be conducted in the Juvenile Court of Rutherford County are as follows:

- All in-court proceedings shall be limited to attorneys, parties, witnesses, court deputies, court officers, and other necessary persons as determined by the Juvenile Judge.
- All necessary parties will be called into the courtroom one at a time
- Social-distancing will be observed
- Gloves will be given out for all participants, due to the exchange of documents
- Currently there will be **only** one hearing at a time. This may mean it may be necessary to stagger cases
- All discussions regarding any delinquent matter between defense attorneys and the District Attorney shall be conducted outside of the courtroom and prior to the Court hearing.
 - Any Agreed Order involving a delinquent matter such as, To Continue and Waive a Probable Cause/Detention Hearing shall be submitted to the Clerk of the Court one (1) hour prior to the scheduled hearing, to prevent the youth, parent, law enforcement, Juvenile Detention staff, Sheriff Deputies, Clerks and other witnesses from having to appear in open court and risk the possible exposure of the COVID-19 virus.
- Any other Agreed Orders need to be submitted to the Court if possible one (1) hour prior to the hearing

The Court will continue to conduct probable cause/detention hearings, preliminary hearings regarding child protective orders, temporary restraining orders and child support bond hearings.

The in-person docket schedule through April 30, 2020 shall be:

Wednesday mornings at 9:00 A.M.

- Bond hearings regarding IV-D defendants
- Any contempt child support dockets in which a respondent is incarcerated
- Any motions for release filed by incarcerated respondents relating to child support

Monday and Wednesday afternoons at 1:00 P.M. and Friday mornings at 10:00 A.M.

THE COURT WILL MAINTAIN THE REGULAR SCHEDULE FOR THESE TYPE CASES TO ASSIST LAW ENFORCEMENT

- Any delinquency case that involves a juvenile currently in detention
- Trials for those juveniles in detention will occur as scheduled
- If more than one hearing is set on designated delinquent trial dates, the Court will determine the order in which those shall be heard and advise the same

Monday and Wednesday afternoons at 2:00 P.M. and Friday mornings at 11:00 A.M.

- Proceedings related to relief by a preliminary hearing where a Child Protective Order is issued.
- Proceedings involving the Department of Children's Services emergency matters related to child protection
- Proceedings related to the voluntary surrender of parental rights
- Proceedings involving petitions for temporary injunctive relief

This order expressly does not prohibit court proceedings by some type of tele-conferencing if able to be recorded, pursuant to statute. The Court is exploring and utilizing when possible video capabilities Monday through Friday on a case by case basis.

- Department of Children's Services proceedings which effect federal funding for children in foster care
- Any other case determined by the court to be appropriate for a video hearing

In no way does this order affect this Court's consideration of matters than can be resolved by submitting an Agreed Order. The Court is encouraging all attorneys to attempt to resolve any issues if possible.

Deadlines set forth in court rules, statutes, ordinances, and administrative rules or otherwise that are set to expire between March 13, 2020 and Tuesday May 5, 2020 are hereby extended through Wednesday, May 6, 2020. Statutes of limitations and statutes of repose that would otherwise expire during the period between March 13, 2020 and May 5, 2020 are hereby extended through May 6, 2020. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 13, 2020 and May 5, 2020 are not extended or tolled by this order.

Protective child custody and temporary restraining orders that would otherwise expire between March 12, 2020 and March 31, 2020 are hereby extended until April 6, 2020.

Any other necessary proceeding specifically set forth in the Tennessee Supreme Court's Orders of March 13, 2020 and March 25, 2020.

With the regard to notarizing documents at this time, attorneys and judges are encouraged to utilize the "Online Notary Public Act," Tenn. Code Ann.}8-16-301, et seq., and the regulations promulgated by the Secretary of State at Sec. of State, Tenn. R. and Reg. 1360-07-03-01. Additionally, with regard to court filings, declarations under penalty of perjury may be used as an alternative to a notary.


Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.

This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

Unless there is a decision from the Rutherford County Mayor to close the Juvenile Court/Juvenile Services Building, located at South Church Street, Tennessee, the Juvenile Court Office will remain open and accessible. However, if possible, please attempt to conduct your business with our office by way of phone, email, or other electronic means, rather than face to face contact.

IT IS THEREOFRE ORDERED.

This the 27th day of March, 2020



Donna Scott Davenport, Judge
Rutherford County Juvenile Court

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

03/25/2020

Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

**ORDER CONTINUING SUSPENSION OF IN-PERSON COURT PROCEEDINGS
AND EXTENSION OF DEADLINES**

On March 13, 2020, in response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court declared a state of emergency for the Judicial Branch of Tennessee government and activated a Continuity of Operations Plan for the courts of Tennessee. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. This state of emergency constitutes a “disaster” for purposes of Tenn. Sup. Ct. R. 49 and Tenn. Code Ann. § 28-1-116. In light of ongoing concerns, the Tennessee Supreme Court hereby continues the suspension of in-person court proceedings and the extension of deadlines as set forth in this order. We again emphasize that the local and state courts of the State of Tennessee are open and will remain open under all circumstances, subject to the provisions of this order.

Under the constitutional, statutory, and inherent authority of the Tennessee Supreme Court, we adopt the following provisions. All in-person proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, shall be suspended from the close of business on Friday, March 13, 2020, through Thursday, April 30, 2020, subject to the exceptions below.

Exceptions to this suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters, preliminary hearings for incarcerated individuals, and plea agreements for incarcerated individuals
- Proceedings related to relief from abuse, including but not limited to orders of protection
- Proceedings related to statutory order of protection hearings after entry of an ex parte order as necessary to satisfy any due process concerns

- Proceedings related to emergency child custody or visitation orders
- Proceedings related to the voluntary surrender of parental rights
- Settlements involving a minor or a person with a disability
- Department of Children's Services emergency matters related to child safety, placement, permanency, or federal funding for children in foster care
- Proceedings related to petitions for temporary injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings related to emergency protection of elderly or vulnerable persons
- Proceedings directly related to the COVID-19 public health emergency
- Other exceptions as approved by the Chief Justice

The presiding judge or the designee of the presiding judge of each judicial district is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted. Other exceptions to the suspension of in-person court proceedings must be approved by the Chief Justice. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge. Judges and their staff shall ensure that social distancing and other such measures are strictly observed. For purposes of implementing procedural matters during this time, the provisions of Rule 18(c) of the Rules of the Tennessee Supreme Court are suspended to allow judges to issue general orders.

Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. See Tenn. Code Ann. §§ 18-1-101 (2009); 18-1-105 (Supp. 2019). Nevertheless, all judges and court clerks should minimize in-person contact by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing.

Any Tennessee state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended through Thursday, April 30, 2020. See, e.g., Tenn. R. Civ. P. 43.01. With respect to plea agreements for non-incarcerated individuals, this suspension expressly applies to those provisions of Tenn. R. Crim. P. 11 which otherwise would require the proceeding to be in person in open court. See, e.g., Tenn. R. Crim. P. 11(b)(1) and (2), 11(c)(2)(A).

The presiding judge or the designee of the presiding judge of each judicial district shall develop a written plan to affirmatively address issues regarding the incarceration of nonviolent offenders in furtherance of efforts to reduce the jail population, including but not limited to bond reductions or eliminations, deferred sentences, and suspended sentences. The presiding judge or the designee of the presiding judge of each judicial district shall submit its plan to the Administrative Office of the Courts by the close of

business on Monday, March 30, 2020, absent an extension granted by the Chief Justice.

Judges' offices and court clerks' offices may limit in-person contact with the public during the period of suspension, but must remain functional. If it becomes necessary to close judges' or court clerks' physical offices during the period of suspension, these offices shall remain accessible by telephone, email and fax to the extent possible during regular business hours. If available, drop boxes should be used for conventionally filed documents.

This order expressly encourages and does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings. Although some non-emergency matters will need to be rescheduled, judges are to continue to resolve matters that do not require in-person court proceedings. Court clerks are to work cooperatively and at the direction of the presiding judge of each judicial district to fulfill the clerks' obligation to facilitate continuing court function.

Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire during the period from Friday, March 13, 2020, through Tuesday, May 5, 2020, are hereby extended through Wednesday, May 6, 2020. Statutes of limitations and statutes of repose that would otherwise expire during the period from Friday, March 13, 2020, through Tuesday, May 5, 2020, are hereby extended through Wednesday, May 6, 2020. See Tenn. Code Ann. § 28-1-116 (2017). Deadlines, statutes of limitations, and statutes of repose that are not set to expire during the period from Friday, March 13, 2020, through Tuesday, May 5, 2020, are not extended or tolled by this order.

With regard to notarizing documents at this time, attorneys and judges are encouraged to utilize the "Online Notary Public Act," Tenn. Code Ann. § 8-16-301, et seq., and the regulations promulgated by the Secretary of State at Sec. of State, Tenn. R. and Reg. 1360-07-03-.01. Additionally, with regard to court filings, declarations under penalty of perjury may be used as an alternative to a notary.

Given the increasing economic issues caused by this pandemic, no judge, clerk, or other court official shall take any action to effectuate an eviction, ejectment, or other displacement from a residence during the effective dates of this order based upon the failure to make a rent, loan, or other similar payment absent extraordinary circumstances as determined by a judge in a court of competent jurisdiction. Nothing in this order affects the obligations, terms, or conditions for payment under existing contracts. Judges also are encouraged to work with court clerks and local law enforcement to develop policies severely limiting or eliminating any new garnishments during this time.

Orders of protection and temporary injunctions that would otherwise expire during the period from Friday, March 13, 2020, through Tuesday, May 5, 2020, are hereby extended through Wednesday, May 6, 2020.

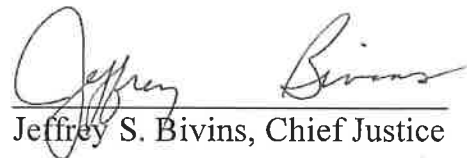
This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19. Judges should work with local law enforcement and other county officials to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

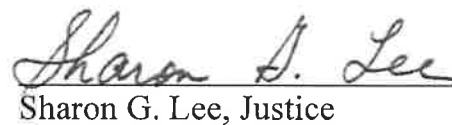
This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

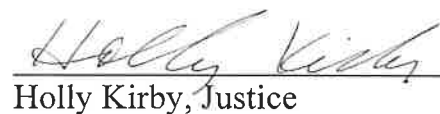
It is so ORDERED.

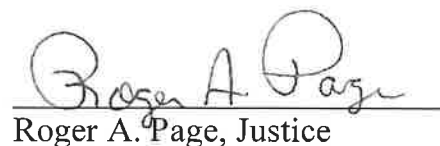
FOR THE COURT:


Jeffrey S. Bivins, Chief Justice


Cornelia A. Clark, Justice


Sharon G. Lee, Justice


Holly Kirby, Justice


Roger A. Page, Justice