

**IN THE GENERAL SESSIONS AND JUVENILE COURTS OF MONROE COUNTY
TENNESSEE**

IN RE: COURT SCHEDULING AND PROCEDURE REGARDING COVID 19
PANDEMIC

**AMENDED ORDER CONCERNING COVID 19 RELATED PROCEDURES AND
SCHEDULING**

The Monroe County General Sessions, Juvenile, and Probate Courts, by and through the Honorable Dwaine B. Thomas, Judge, makes the following findings related to the COVID-19 Pandemic and its impact on Monroe County General Sessions, Juvenile and Probate Courts:

1. The Tennessee Supreme Court has entered and filed a new Order November 17, 2020 addressing the impact of the COVID-19 pandemic on court proceedings, including a new suspension of jury trials through January 31, 2021. The terms of that Order are incorporated herein as fully as if stated herein verbatim.
2. This most recent Order of the Tennessee Supreme Court incorporated in their entirety the previous Orders of March 25, 2020 limiting in-person hearings, April 24, 2020 modification of in-person hearings and approval of individual Judicial District plans, May 26, 2020 Order extending the State of Emergency and easing restrictions, and the July 9, 2020 Order requiring face coverings.
3. The 10th Judicial District General Sessions Courts for Monroe, McMinn and Polk Counties entered a Operations Plan with the Tennessee Supreme Court, which was subsequently approved, allowing expanded operations to be conducted with certain precautions for limited exposure and social contact. That plan also allowed the individual counties covered to revert back in full or in part to the March 25, 2020 Order of the Tennessee Supreme Court as long as the individual Court did not exceed the allowances of the Plan.

4. The November 17, 2020 Order also reiterated the ethical obligation of the Judges and the Courts to adhere to the conditions of the Orders of the Supreme Court and to the individual Judicial District Plans.
5. This Court further believes there is an ethical and moral obligation of the Courts to protect the community health as well as the legal rights of individual litigants.
6. Positive COVID-19 cases in Monroe County are drastically surging.
7. Presently multiple private attorneys practicing before the Monroe County General Sessions, Juvenile, and Probate Courts have tested positive for COVID-19 and/or are in active quarantine. Further, members of the District Attorney's Office, Public Defender's Office, and Probation Office are actively quarantined.
8. All Court personnel, attorneys, and litigants present at the General Sessions Docket on November 24, 2020 were potentially exposed to COVID-19 and as such, pursuant to CDC recommendations are urged to submit to COVID-19 testing immediately.
9. Due to the size of Court dockets, there is no way to effectively social distance the public, litigants, attorneys, and Court staff while conducting Court proceedings.

IT IS THEREFORE ORDERED:

1. The Monroe County General Sessions, Juvenile, and Probate Courts remain open for consideration of all filings, with the following restrictions on in person proceedings.
2. Effective December 1, 2020 all scheduled dockets through December 11, 2020 are suspended to facilitate the quarantine period recommended by the CDC.
3. Effective December 14, 2020 and continuing through January 29, 2020, pursuant to the authority granted by the Tennessee Supreme Court, the Monroe County General Sessions, Juvenile, and Probate Courts shall revert to the Conditions set out in the Tennessee Supreme Court Order of March 25, 2020 except as specifically outlined below. Each of the divisions of the Courts Shall Operate in the following manner:
 - a. Monroe County General Sessions, Criminal: Matters related to the preservation of Constitutional Rights shall be heard; specifically, all persons arrested shall have bonds set and for those remaining in custody shall be arraigned pursuant to statute. The Court shall hear matters relating to those criminal defendants

remaining in custody on Tuesdays at the normal time. All other criminal defendants out of custody on bond or citation (OR Bond included) shall be reset for the months of February and March.

- b. Monroe County General Sessions, Civil: Court date set on December 2, 2020 and January 27, 2020 shall be conducted as normal, subject to social distancing requirements. Other matters of an emergency nature shall be conducted upon proper pleading, at the time and matter set by the Court. Emergency matters will be evaluated by the Court to determine whether an emergency exists. The Court will continue to hear Detainer actions beginning January 6, 2021 upon the expiration of the CDC Order concerning evictions.
- c. Monroe County General Sessions, Citation/Traffic Court: All matters shall be reset beginning in February, and the Court shall extend the allowed time for completion of Driving School and/or payment of cost until February 12, 2021.
- d. Monroe County Juvenile Court, Dependency and Neglect: Preliminary Hearings on Emergency Removals conducted by Ex-Parte Order shall be heard in the time and place set by the Court. Termination of Parental Rights matters already scheduled shall be conducted as scheduled. Permanency Plans submitted by DCS will be reviewed by the Court and if appropriate, approved conditioned on the right of counsel for respective parties filing written objections to the plan. All children's appearances required by statute shall be conducted by electronic means. Emergency matters or those involving constitutional protections shall be reviewed by the Court to determine the need for hearing.
- e. Monroe County Juvenile Court, Juvenile Justice: Unless Juvenile is in detention, or statutory period of probation is set to expire, all remaining matters shall be reset for hearing beginning in February. Detention hearings shall be conducted within the statutory time frame and at a place designated by the Court. Matters of review of probation shall be conducted by the Court staff and recommendations shared with the District Attorney's Office, Should the District Attorney object to the release of any Juvenile from probation, they must notify the Court for the appropriate setting of a timely hearing. Court Staff will continue to monitor

Truancy matters and coordinate with the school system to supervise the respective juvenile.

- f. Monroe County Probate Court: Agreements and Orders submitted for approval shall continue to be reviewed and approved on an ongoing weekly basis. Absent a bonified emergency (to be determined by the Court), contested matters shall be reset for hearing beginning in February. Agreements, routine orders and compromise orders may be submitted to the clerk as normal.
4. The Monroe County Circuit Court Clerk and Monroe County Clerk and Master are not specifically affected by this Order, other than in those ways outlined above and for the purpose of in Court duties.
5. The Monroe County General Sessions, Juvenile, and Probate Court does not require the Monroe County Sheriff's Department to change any of their jail protocols to effectuate this Order, but does support any effort to contain the spread of COVID 19 and limit staff and inmate exposure. To that end all inmate contact with court personnel shall be by electronic means where available. Should an inmate be needed in person within the courtroom, proper PPE shall be supplied for the inmate and those in contact with said inmate.
6. This Order and the operations of the Monroe County General Sessions, Juvenile, and Probate Courts are subject to the requirements and limitations of the Tennessee Supreme Court and its prior Orders which are incorporated herein by reference as if stated verbatim herein. This Order is subject to review and amendment pursuant to the requirements of the Tennessee Supreme Court.

ENTER THIS THE 30th DAY OF NOVEMBER 2020



Dwaine B. Thomas, Judge