

LINCOLN COUNTY CIRCUIT COURT COVID-19 PANDEMIC
PROCEDURES AND GUIDELINES AS OF MARCH 18, 2020

Each judge has the right to conduct the calendar and direct the Courtroom as that judge sees fit. We, however, want to pass on our consensus as of right now.

We intend to significantly scale back, but not suspend Court operations. Our primary objective is the health and safety of our courthouse employees, the public, the attorneys, law enforcement, the litigants and the people these people will come in contact with after they leave the courthouse.

1) Outstanding Warrants

- a. The Lincoln County District Attorney will review all outstanding criminal warrants and based on said review may request the Court to quash those outstanding warrants. The Lincoln County Child Support Agency will be contacted by the Court regarding any outstanding child support warrants.

2) New Arrests

- a. Any new arrests of high risk offenders, as determined by law enforcement, will result in standard booking and will be placed in custody pursuant to normal procedures.
- b. Arrests of low risk offenders, as determined by law enforcement, and their subsequent release will be handled by the judges and/or court commissioners pursuant to *Riverside* based on a written probable cause statement and with the individual being released on a signature bond, signed by the issuing judicial officer, with non-monetary conditions of bond set by the issuing judicial officer. The issuing judicial officer will provide, in writing, for the date and time for the initial appearance on the bond form.
- c. Offenders that do not pose any significant risk to the public, as determined by law enforcement, will be summoned to appear for an initial appearance on a criminal complaint.

3) Intake calendars

- a. Reschedule any non-critical matters and return dates at least 60 days out.
- b. Proceed with any intake calendars already scheduled 3/16 – 3/20 unless non-critical matters can be rescheduled.
- c. Contact law enforcement issuing citations and direct that they use a date at least 60 days beyond the date of issuance for the appearance on the citation.
- d. Rationale: it avoids having a large amount of people in close settings and mitigates the risk.

- 4) Grant Requested Continuances and Adjournments
 - a. Allow parties to request continuances and adjournments by phone if necessary. Use of our request for adjournment form is preferred, but will not be required. Continuance and adjournment requests will be liberally granted.
 - b. This will avoid attorneys and parties coming to the courthouse merely to adjourn the matter.
 - c. Post notices with phone numbers to contact to reschedule matters.

- 5) Trials
 - a. Reschedule any non-critical jury and court trials out at least 60 days (on or after 5/18/20).
 - b. Rescheduling jury trials will avoid bringing mass amounts of people into close settings and will mitigate the risk of contracting and/or spreading COVID-19.

- 6) Small Claims Mass Hearings
 - a. Reschedule small claims return date hearings.
 - b. Inform litigants on the notices that they can provide a written answer and do not need to appear in person.
 - c. Conduct any hearings by phone appearance when possible.
 - d. Schedule or reschedule trials out at least 60 days (on or after 5/18/20).

- 7) Videoconference and Telephone Conference
 - a. Use available technology to preside over any hearings via videoconference or telephone conference to avoid in-person hearings at the courthouse whenever possible. Judge Koschnick, Director of State Courts, is in the process of obtaining ZOOM licenses for each county. Judge Koschnick will provide more information on this the week of March 16, 2020 or March 23, 2020.
 - b. Use available technology, including courtroom to courtroom video conference, to mitigate risk of transmission between court staff, litigants, and the public.

- 8) Limited Resources
 - a. Please be mindful that the stakeholders involved may have limited resources.
 - b. Court staff, attorneys and litigants may not be available due to school closures, daycare closures and/or health.
 - c. Jails may have limited capacity to conduct videoconferencing due to constraints on equipment, locations and/or personnel.

9) Social Distancing

- a. The 6 foot distance between individuals in the courtroom will be observed as much as practical.
- b. The 6 foot distance between individuals in other areas of the courthouse will also be observed.

10) Sanitizing

- a. Use of alcohol-based hand sanitizers throughout the courthouse, including but not limited to the courtrooms, will be strongly recommended.

11) Correspondence and Filings

- a. Except for pro se litigants, all letters, documents and pleadings shall be e-filed. Such papers will not be transmitted between people in the courtroom or be given to the clerk for filing in the courtroom.

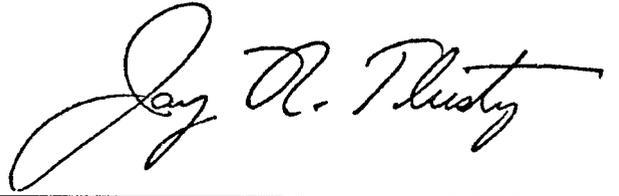
12) Mandatory Court Functions

- a. Bail hearings for criminal cases within 48 hours of arrest.
- b. Timely preliminary hearings.
- c. Search warrants and other compulsory process.
Juvenile detention hearings, temporary physical custody (TPC) hearings, within 24 – 48 hours after detention.
- d. Child in Need of Protection or Services (CHIPS) hearings within time limits as applicable.
- e. Mental and alcohol commitment hearings 72 hours after detention. Final hearing within 14 days. (Upon subject request, 7 day extension can be granted.)
- f. Guardianship and protective placement hearings within time limits as applicable.
- g. Criminal jury trials within 60 days (misdemeanors) or 90 days (felonies) of demands made by defendants in custody.
- h. Cases arising out of quarantine or isolation orders relating to the ongoing public health emergency that are not criminal cases.
- i. Injunction hearings within 14 days, excluding weekends.

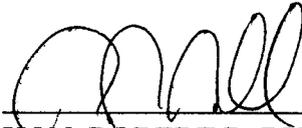
13) Non-critical Court Functions

- a. All other court matters not listed in the mandatory court functions will be considered non-critical. Based on the severity of the pandemic and available court resources, all other matters will be addressed with alternate methods at the discretion of the Circuit Court Judges.
 - 1. i.e. Small Claims eviction actions, temporary family orders involving custody/placement etc.

2. All statutory timelines for non-critical court functions will be maintained where possible by conducting those functions by telephone, video, or written pleadings given the health and safety concerns indicated above.



HON. JAY R. TLUSTY, CIRCUIT COURT
JUDGE, BRANCH I



HON. ROBERT R. RUSSELL, CIRCUIT
COURT JUDGE, BRANCH II