

PRESS RELEASE
FOR IMMEDIATE RELEASE

March 16, 2020

Effective March 17, 2020, all state courts in Roanoke City, Roanoke County, and Salem City are to remain open, but will reduce operations and restrict access to courthouses, pending further Order.

In response to concerns about the health and safety of court personnel and the public arising out of potential exposure to the Coronavirus (COVID-19), the Chief Judges of all state courts in Roanoke City, Roanoke County, and Salem City announced today that while the courts will remain open, operations will be reduced and access to the courthouses will be restricted. As more particularly described in the attached Order, these Courts have suspended many in-court proceedings. The Courts have further encouraged restricted access to the courthouse for litigants, involved attorneys, material witnesses, and necessary court personnel. These restrictions will remain in place through at least April 10, 2020. For the duration of any such restrictions, all courts will have a liberal continuance policy for any cases otherwise scheduled for trial.

For the most current information about the schedules for Courts in the 23rd Judicial Circuit and District, please check the individual Court websites, which can be accessed through the Virginia Judicial System website at <http://www.courts.state.va.us/main.htm>.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE
IN THE CIRCUIT COURT FOR THE COUNTY OF ROANOKE
IN THE CIRCUIT COURT FOR THE CITY OF SALEM

IN THE GENERAL DISTRICT COURT FOR THE CITY OF ROANOKE
IN THE GENERAL DISTRICT COURT FOR THE COUNTY OF ROANOKE
IN THE GENERAL DISTRICT COURT FOR THE CITY OF SALEM

IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT FOR THE
CITY OF ROANOKE
IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT FOR THE
COUNTY OF ROANOKE
IN THE JUVENILE & DOMESTIC RELATIONS DISTRICT COURT FOR THE
CITY OF SALEM

ORDER TEMPORARILY SUSPENDING IN-PERSON COURT PROCEEDINGS

In response to the COVID-19 pandemic, and the States of Emergency declared by the President of the United States and the Governor of the Commonwealth of Virginia, the Chief Judges of the Circuit Courts, the General District Courts, and the Juvenile and Domestic Relations District Courts of the 23rd Judicial Circuit and District do hereby Order as follows:

1. All Courts in the 23rd Judicial Circuit and District will remain open;
2. All in-person proceedings (including all civil jury trials) in all Courts are suspended from the close of business on March 16, 2020, through April 10, 2020, subject to the exceptions below.
 - Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related and speedy trial matters for incarcerated individuals;
 - Proceedings related to relief from abuse, including but not limited to orders of protection;
 - Proceedings related to emergency child custody orders;
 - Department of Social Services emergency matters related to child protection;
 - 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 Judge of each Court.

The presiding judge of each Court is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted.

Any permitted in-court proceedings shall be limited to attorneys, parties, necessary witnesses, security officers, media (pursuant to appropriate order) and other necessary persons (including jurors where permitted or required), as determined by the trial judge.

Throughout the suspension period, there shall be a liberal continuance policy.

Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Nevertheless, all judges and court clerks are urged to limit in-person Courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing.

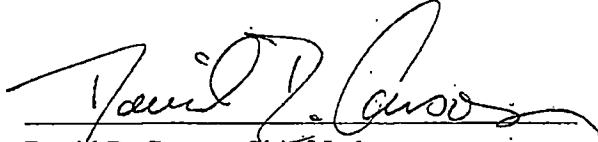
This Order expressly does not prohibit, as permitted by the trial judge, court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This Order does not affect any court's consideration of matters that can be resolved without in-person proceedings.

Orders of protection and temporary injunctions that would otherwise expire between March 16, 2020, and April 10, 2020, are hereby extended until April 13, 2020.

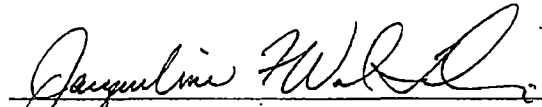
This Order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

This Order may be shortened, modified, or extended as circumstances dictate.

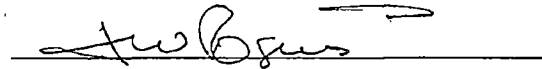
FOR THE COURTS THIS 16th DAY OF MARCH, 2020:



David B. Carson, Chief Judge



Jacqueline F. Ward Talevi, Chief Judge



Frank W. Rogers, Chief Judge

Supreme Court of Virginia

IN RE: ORDER DECLARING A JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19. The Governor noted that the Virginia Department of Health (VDH) has been working with local, state, and federal officials, healthcare and emergency management experts, and various state agencies to form a COVID-19 Taskforce to prepare for and respond to this threat, and that, given recent confirmed occurrences of COVID-19 within the Commonwealth and in neighboring states, as well as information from the Centers for Disease Control and Prevention, it is anticipated that the disease will spread. A state of emergency exists in the Commonwealth of Virginia and efforts of the executive branch are underway to continue to prepare and coordinate its response to the potential spread of COVID-19, a communicable disease of public health threat. This state of emergency became effective March 12, 2020, and is to remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.

On March 13, 2020, the Governor advised that “if you have not already, please continue to review your [Continuity of Operations or] COOP plan. It is critical that you think about essential functions as they relate specifically to the COVID-19 event.” Many courts are actively doing so and court users and the public may access information on courts’ responses to the COVID-19 emergency online at: <http://www.vacourts.gov/>. All judges and clerks may access resources and information via the Court’s intranet site at: <http://oesinet/>. Courts that have not already done so, should review their continuity of operations plan and consult remotely with local stakeholders.

In 2010, the Supreme Court of Virginia’s Pandemic Flu Preparedness Commission issued the Pandemic Influenza Bench Book for Virginia’s Court System and it has been available since then to the public and court personnel via the Court’s web site at: <http://www.vacourts.gov/programs/pfp/benchbook.pdf>. It was revised in 2017, and most recently was specifically referenced in emails sent to all judges and clerks by the Executive Secretary on February 26 and March 11, 2020, with information for all courts to use in addressing the current COVID-19 emergency.

On Sunday March 15, 2020, Governor Northam announced a statewide ban on all events over 100 people. In light of the foregoing and the Chief Justice having received today, March 16, 2020, a request from the Governor for a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330, this Order declaring a judicial emergency is hereby issued for all district and circuit courts of the Commonwealth to protect the health and safety of court employees, litigants, judges, and the general public. This Order shall be in effect from today, Monday, March 16, to Monday, April 6, 2020, and it is hereby ORDERED that NON-ESSENTIAL, NON-EMERGENCY court

proceedings in all circuit and district courts be and hereby are SUSPENDED and all deadlines are hereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit and district courts shall implement the following measures absent a specific exception as listed below:

1. Continue all civil, traffic and criminal matters, including jury trials, subject to a defendant's right to a speedy trial, with the exception of emergency matters, including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings. Judges may exercise their discretion with regard to proceeding with ongoing jury trials, and in cases where the defendant is incarcerated.
2. Continue all ceremonies, such as juvenile licensing ceremonies.
3. Limit courtroom attendance to attorneys, parties, and necessary witnesses and members of the press in any matters that cannot be continued.
4. Issue summonses in lieu of a *capias* for failure to appear.
5. For jury trials that cannot be continued, excuse or postpone jury service for jurors who are ill, caring for someone who is ill, or in a high-risk category as defined by the Center for Disease Control (CDC).
6. Suspend new juror orientations.
7. Require attorneys to use e-Filing if available.
8. Require individuals with legitimate court business who are ill, caring for someone who is ill, or is otherwise in a high-risk category, as defined by the Center for Disease Control (CDC), to call the local clerk of court or other appropriate court personnel to request an appropriate accommodation.
9. Consult with the locality, including the sheriff, about posting signage at all public entry points advising individuals not to enter the building if they have:
 - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
 - d. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;

e. a fever, cough, or shortness of breath; or

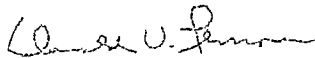
f. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols may be denied entrance by a bailiff or court security officer, and may be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

10. Consult with the sheriff and/or bailiffs to prohibit individuals or groups from congregating anywhere in the courthouse, and to require social distancing throughout the courthouse, including inside the courtroom.

11. Use telephonic or video technology, as provided in the Code of Virginia, for all necessary hearings, trials, or other matters, including arraignments.

Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local policies as needed. Except as provided in this order, to the extent possible, the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel. This Order shall be effective from March 16, 2020, to April 6, 2020. This Order may be extended for additional periods not to exceed 21 calendar days or for the duration of the threat, by a majority of the justices of the Supreme Court to mitigate the risks potential spread of COVID-19.



(SEAL)

Donald W. Lemons
Chief Justice of the Supreme Court of Virginia

VIRGINIA:

**IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS FOR THE
CITY OF ROANOKE, COUNTY OF ROANOKE AND CITY OF SALEM**

ORDER

It appearing to the Courts that the President of the United States and the Governor of the Commonwealth of Virginia have issued certain emergency declarations concerning the health and safety of our citizens;

And it further appearing to the Courts that the Federal Center of Disease Control has issued certain guidance including mitigation strategies for communities to reduce or eliminate large gatherings of individuals to avoid the spread of Coronavirus Disease 2019 (COVID-19);

And it further appearing to the Courts that they are authorized under *Va. Code* §16.1-69.35(5) to determine when the Courts shall be open for transaction of business when “under prevailing conditions, [it] would constitute a threat to the health and safety of the Clerks’ Office personnel or the general public”;

And it further appearing to the Courts that an order temporarily suspending in-person court proceedings was entered this date by the Chief Judges of the Courts of the 23rd Judicial District of Virginia;

NOW, THEREFORE,

It is **ORDERED** that there shall be limited access to the captioned Courts from March 16, 2020 until April 10, 2020. All cases involving Spousal Support; Child Support; Civil Custody and Visitation; Adult Criminal Cases where Defendant is not incarcerated and there are no Constitutional limitations; and Juvenile Delinquency (Criminal) Cases where the Juvenile is not

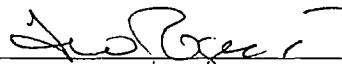
held in Detention are hereby **CONTINUED**. A presiding judge may nevertheless contact the parties and/or counsel by telephone and conduct a hearing in that manner. Witnesses subpoenaed for these matters are hereby **EXCUSED** from appearing.

All currently scheduled court dates for any incarcerated defendants or detained juveniles will go forward as scheduled and are not included within this order of continuance, subject, however, to a written motion filed in any such case of an incarcerated defendant or juvenile.

The Courts will also conduct limited hearings including arraignments for adults, bond motions, detention hearings for juveniles, all stages of petitions for Family Abuse Protective Orders, all stages of Abuse and Neglect petitions (protective orders and removals), Foster Care reviews, petitions for judicial bypass, and any other matters which by law require expedited hearings. Whenever possible, these hearings will be conducted by video or telephonically.

This Order shall remain in effect pending further Order of the Court.

ENTER: 3/16/2020



Frank W. Rogers, III
Chief Judge

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