

TO: DISTRICT COURT JUDGES, SUPERIOR COURT JUDGES STAFF, SHERIFFS, JUVENILE CLERKS, DSS ATTORNEYS, GAL OFFICE/ATTORNEYS, DISTRICT ATTORNEYS, RESPONDENT ATTORNEYS, DEFENSE ATTORNEYS, LOCAL BAR PRESIDENTS, MAGISTRATES, IV-D CHILD SUPPORT ATTORNEYS AND OTHER INTERESTED PARTIES

FROM: JOHN W. DAVIS

RE: DISTRICT COURT PRACTICES IN LIGHT OF COVID-19

DATE: 3-17-2020

As a result of the Judicial Council meeting yesterday and the new practices we adopted for the Ninth Judicial District, I thought it beneficial to address some situations that will arise in the District Court setting with our abbreviated court scheduling:

1. DSS abuse, neglect and dependency cases: When a **non-secured** custody order has been entered, the DSS attorney in the county of the petition shall notify the local Judge of the existence of the order so that a hearing on continued non-secured custody can be held. After such notification, the local Judge should be in contact with the juvenile clerk(s), the DSS attorney, the Respondents' attorneys and the GAL office as soon as is practical to set up and timely conduct any statutorily required hearings on continued non-secured custody.

2. Juvenile delinquency cases (secured custody): When a **secured** custody order has been entered, the involved Juvenile Court Counselor shall notify the local judge in the county in which the petition was filed of the secured custody Order. After receiving such notification, the local judge shall contact the appropriate juvenile clerk(s), the local district attorney's office, and the respondent's attorney in order to set and timely conduct any statutorily required hearings including, but not limited to, hearings on continued secured custody.

3. 48 hour holds: In cases where individuals have been arrested under circumstances which involve a 48 hour hold would be in effect, the Magistrate shall handle the processing of any arrestee as normal. To that end, if the Magistrate determines the arrestee exhibits symptoms of sickness, the Magistrate, in his or her discretion, may call the local District Court Judge to inquire about setting appropriate release conditions considering all the relevant circumstances. This directive is a reminder of the Magistrate's discretion in contacting a DCJ under 48 hour hold situations.

4. Bond and Probable Cause Hearings: Both Defense Attorneys and District Attorneys shall consult and as much as possible settle issues involving bonds and probable cause hearings. If agreements are reached, District Court Judges may execute orders reflecting any such agreement. If an agreement is not reached and such matters need to be heard, the Defense Attorney and/or the involved District Attorney shall notify the local Judge of need for a hearing. The Judge shall consult with the criminal clerk(s) and set and conduct such a hearing with the appropriate parties being present.

5. Jail Lists: The local District Court Judge should obtain weekly from the local Sheriff's Department/Jail a list of current inmates awaiting trial or hearing that includes each inmate's pending charges and length of time spent in jail to date. The Judge should review the list to determine if there are inmates being held whose time in jail already exceeds her/his maximum term of possible incarceration or said inmate's jail credit would exceed said maximum terms by the time any such inmate would be back in court. In such cases, and after consulting with the District Attorney's office and Defense Counsel if applicable, the Judge shall take measures to release said inmate under appropriate conditions.

***My Administrative Order of yesterday allows local Judges to set the hearings noted above without obtaining an additional "special" session order. In closing, under the current circumstances it is critical that all parties involved in any of the above scenarios have open and continual communication with each other to facilitate solutions and any necessary hearings. Thank you in advance for your cooperation.