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IN THE GENERAL SESSIONS OF HAMILTON COUNTY, TENNESSEE
CRIMINAL AND CIVIL DIVISIONS DATE: 3-27 TIME: 1:35
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ORDER AND PROTOCOLS FOR IMPLEMENTING THE
TENNESSEE SUPREME COURT'S LIMITED SUSPENSION ORDERS
ENTERED MARCH 13, 2020 AND MARCH 25, 2020

This matter came before the Hamilton County General Sessions Civil and Criminal Courts upon its own motion to formally establish protocols for implementing the Tennessee Supreme Court's Order Suspending In-Person Court Proceedings entered on March 13, 2020 and Tennessee Supreme Court's Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines entered March 25, 2020.

On Friday, March 13, 2020 and in response to the COVID-19 pandemic, the TSC entered an order suspending "in person" court proceedings (hereafter "**Limited Suspension Order No. 1**"). As part of the Limited Suspension Order No. 1, the TSC ordered that "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, are suspended at the close of business on Friday March 13, 2020 through Tuesday, March 31, 2020 (hereinafter "**Suspension Period No. 1**").

On Wednesday, March 25, 2020, and in response to the COVID-19 pandemic, the TSC entered an Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines (hereafter "**Limited Suspension Order No. 2**"). As part of the Limited Suspension Order No. 2, the TSC ordered that the suspension of "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, are "extended" from the close of business on Friday March 13, 2020 through Thursday, April 30, 2020 (hereinafter "**Suspension Period No. 2**").

The **Limited Extension Order No. 1**, entered March 13, 2020, contained certain "exceptions" to in-court proceedings, including but not limited to, the following:

- (1) Proceedings necessary to protect constitutional rights of criminal defendants including bond related matters and plea agreements for incarcerated individuals.
- (2) Civil and Criminal Jury trials that are in progress as of March 13, 2020.
- (3) Proceedings related to relief from abuse, including but not limited to orders of protection.
- (4) Proceedings related to emergency child custody orders.
- (5) Department of Children's Services emergency matters related to child protection.
- (6) Proceedings related to petitions for temporary injunctive relief.
- (7) Proceedings related to emergency mental health orders.
- (8) Proceedings relate to emergency protection of elderly or vulnerable persons.
- (9) Proceedings directly related to the COVID-19 public health emergency.
- (10) Other exceptions as provided the Chief Justice.

The **Limited Extension Order No. 2**, entered March 25, 2020, adopted the previous “exceptions” but clarified and slightly revised the previous “exceptions.” The original “exceptions” are set forth below with the clarifying and revised “exceptions” set forth in “red” as follows:

- (1) Proceedings necessary to protect constitutional rights of criminal defendants including bond related matters and plea agreements for incarcerated individuals.
- (2) Proceedings related to relief from abuse, including but not limited to orders of protection.
- (3) Proceedings related to statutory order of protection hearings after entry of an ex-parte order as necessary to satisfy any due process concerns.
- (4) Proceedings related to emergency child custody or visitation rights.
- (5) Proceedings related to voluntary surrender of parental rights.
- (6) Settlements involving a minor or a person with a disability.
- (7) Department of Children’s Services emergency matters related to child safety, placement, permanency, or federal funding for children in foster care.
- (8) Proceedings related to petitions for temporary injunctive relief.
- (9) Proceedings related to emergency mental health orders.
- (10) Proceedings relate to emergency protection of elderly or vulnerable persons.
- (11) Proceedings directly related to the COVID-19 public health emergency.
- (12) Other exceptions as provided the Chief Justice.

Both **Limited Suspension Order No. 1** (March 13, 2020) and **Limited Suspension Order No. 2** (March 25, 2020) specifically state that “trial courts 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.”

I. COURTS TO REMAIN OPEN

Both Limited Suspension Order No. 1 and Limited Suspension Order No. 2 specifically state 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 these Limited Suspension Orders. Consistent with the orders and directives of the TSC, the Hamilton County General Sessions Civil and Criminal Courts (hereinafter “HCGSC”) shall remain open and are prepared to address business brought before it subject to the TSC limited suspension orders.

II. IN COURT CRIMINAL PROCEEDINGS

All allowable “in court proceedings” shall be conducted according to specific “exceptions” set forth in TSC Limited Suspension Order No. 1 and Limited Suspension Order No. 2. Any additional “exceptions” shall be approved, in advance, by TSC Chief Justice Jeffrey Bivins.

Pursuant to the TSC Limited Suspension Order No. 1 and TSC Limited Suspension Order No. 2, the HCGSC shall limit in-court criminal court matters to those criminal “proceedings to protect the constitutional rights of criminal defendants, including bond-related matters, preliminary hearings for incarcerated individuals, and plea agreements for incarcerated individuals.”

In order to comply with the mandates of the TSC, including social distancing, the HCGSC shall operate two (2) criminal courts, in courtroom #3 and #4, every weekday beginning at 8:30 a.m. until further notice. The HCGSC judges shall rotate in each courtroom to preserve continuity and avoid possible exposure to the COVID-19 virus. At least two (2) HCGSC judges shall be available during the weekdays for backup in case of emergencies.

All persons, including court personnel, judges, clerks, etc. shall be “screened” outside before entering the city courts building. The initial “screening” includes questions and the use of a laser temperature scanner to take the temperature of all persons who wish to enter the city court building. The laser temperature scanner is non-invasive and is taken by a trained individual standing approximately three (3) feet away from the person wishing to enter the city courts building. If the person has a temperature, that particular person will not be allowed in the city courts building. In that case, the person’s criminal court case will be rescheduled to a later date.

Once the person has cleared the initial “screening” outside of the city courts building, the person shall continue to the hallway outside of courtrooms #3 and #4. Outside of courtrooms #3 and #4 is a second “screening” table with a court clerk and court officer at that particular table. If the person’s criminal court case has not been rescheduled in advance and does not qualify for an “exception” to the in-court proceedings, the court clerk shall reschedule the person’s criminal court case to a later date and time.

If the person’s criminal court case qualifies as an “exception” to the suspension of in-court proceedings, the court clerk outside of courtrooms #3 and #4 shall have the parties sit outside of said courtrooms, preferably six (6) feet apart, until the person’s criminal case is called on the docket. Once the person’s case is called on the docket, the person shall enter the courtroom where appropriate social distancing and other protective procedures are mandated until the conclusion of the person’s criminal case.

Pursuant to the TSC Limited Suspension Order No. 1 and TSC Limited Suspension Order No. 2, please be advised that “any permitted in court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determine by the trial judge.”

III. CIVIL COURT PROCEEDINGS

The Hamilton County General Sessions Civil Court Clerk’s office will be open for business from 8:30 a.m. to 4:00 p.m. each weekday. Civil cases may still be filed during normal business hours. This may change subject to further suspension orders of the TSC and/or the court clerk, Larry Henry.

As stated above, the TSC Limited Suspension Order No. 1, entered on March 13, 2020, ordered that “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, are suspended at the close of business on Friday March 13, 2020 through Tuesday, March 31, 2020. Other than the “exceptions” set forth by the TSC, all in-court “civil proceedings” were suspended by the TSC.

The TSC Limited Suspension Order No. 2, entered on Wednesday, March 25, 2020, kept the original language set forth above and extended the suspension date from March 13, 2020 to March April 30, 2020. The TSC also added the following qualifying language regarding “civil proceedings” as follows: “Given the increasing economic issues caused by this pandemic no judge, clerk, or other court official shall take any action to effectuate an eviction, ejection, 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 are also encouraged to work with court clerks and local law enforcement to develop policies severely limiting or eliminating any new garnishments during this time.

With regard to “extraordinary circumstances as determined by a judge in a court of competent jurisdiction,” the HCGSC judges will not set forth specific facts or circumstances that would qualify for this exception. Instead, it will be determined solely on a case by case basis by the judges.

Regarding those tenants that have already had eviction proceedings with judgments entered against them and the landlord is normally entitled to possession after ten (10) days, and would ordinarily obtain a Writ of Execution, no such Writ of Execution shall be issued, as set forth by the TSC suspension orders, without further review between the Sheriff’s Office and HCGSC judge. By telephone conference call, the Sheriff’s Office and HCGSC judge will consider all of the facts and circumstances of the eviction, including the health and well-being of all persons, including the current tenant, other

neighboring tenants, and occupants. If the HCGSC judge determines that the facts and circumstances qualify as “**extraordinary circumstances**,” the HCGSC judge may allow the Writ of Execution to be issued and served and the tenant evicted from the residence. The judges consider such facts and circumstances to be rare. However, such decisions shall be made within the judge’s sole discretion.

As to civil cases already filed or to be filed, the court clerk’s office shall schedule or reschedule those cases to a future date at 8:30 a.m., 10:30 a.m., and 1:30 p.m. each weekday with no more than ten (10) civil cases set on each civil docket to minimize how many people are in civil court at any given time.

These time frames and other conditions are subject to change particularly with regard to any future suspension orders from the TSC.


It is therefore, **ORDERED, ADJUDGED, AND DECREED** this 27th day of March, 2020.



Honorable Judge Christie Sell, Division 1



Honorable Judge Alex McVeagh, Division 2



Honorable Judge Gerald Webb, Division 3



Honorable Judge Lila Statom, Division 4



Honorable Judge Gary W. Starnes, Division 5