



Open Space Call on Court Responses to COVID-19 March 24, 2020

- **What hearings are you currently holding and how are you holding them? What parts of the case are you focusing on?**
 - Magistrate Raymond, Frederick County, MD - Emergency shelter hearings only
 - Judge Carr, Richmond, VA - Juvenile relations district court
 - Fairfax, VA - Emergency matters (DV protective orders, removal CAN orders, any other emergency custody, in JJ only where the youth has been detained)
 - John Rowley, Ithaca, NY - NY State is going to all virtual appearances
 - NY County Manhattan - Virtual in the city on Thursday
 - Judge Ayotte, Polk County, IA - All hearings by video conference but the judges are physically in the courthouse. Emergency hearings they allow parents in the courthouse if they haven't met their attys
 - Cook County, IL - Typically run 12 courtrooms, but they've cut it to 4 courtrooms with judges and staff only hearing temporary custody hearings in person and exploring virtual Zoom hearings
 - **Interested in hearing those that are doing virtual hearings, what have they chosen to do and how are they doing it?**
 - **Emergency matters and temporary custody will continue to be heard, but how are they monitoring what is going on in the home with cases they currently have?**
- **What resources for virtual meetings?**
 - Judge Ayotte, Polk County, IA - Go To Meeting; court reporter is available to record remotely; they have continued to have meetings to monitor the safety of children and ensure the department is
 - Judge Wiseman, Tribal Court in CA - No longer having live court sessions, all through Webex, Zoom; remote tribal communities and concern about potential spread of the virus; issued order that as of today all filings filed by email so the court does not have to handle documents
 - Fairfax, VA - put out notices through public affairs and signs in courthouse asking people who are sick to go home; created lockbox at clerk window so filings could be placed in that box; big issue is still allowing access to justice for people filing so they check that box every hour and the clerk follows up
 - State of Delaware - Courthouse shut down to public, working with rotating staff half on, half off, cardboard boxes and table with forms so people can file there because they don't have electronic filing and court security is still monitoring who

comes in; all hearings by telephone, review hearings held on paper, judge in courtroom

- Richmond, VA - normally have 5 courtrooms and now have 2, one judge handles arraignment by video, one judge covering foster care; one issue is that an attorney had been disconnected and didn't have chance to cross examine and decision was made without anyone knowing she was disconnected
- Trumbull County, Ohio - Continued all hearings except emergency hearings which they are trying to do telephonically, looking to Zoom for specialty dockets, email/fax filings, allowing pretrials that are done telephonically but have the same issue if someone drops a call or isn't present
- Robin Robb, Arlington County, VA - Microsoft Teams but that only works if there is a camera on your computer so you know who has been dropped
- Becky Shortum, Southwest side of VA - still having hearings involving foster care because they have more than 10 people in those hearings and struggling to limit contact
- **When you talk about the virtual meetings that you are having, could you share the names of the platforms and assistance provided to the parties including the parents to access the technology?**
 - Judge Ayotte, Des Moines - Go To Meeting and set out an order before the hearings letting the parties know there will be a link sent and how to connect to the meeting and tells attorneys that they are responsible for ensuring parties are available or to request a continuance if that can't happen
 - How do you actually connect without a computer?
 - When the invite is sent, you can click the link without having the app, or there is a phone number that has a passcode and connects you to the same meeting
 - How are you sending the orders to the parties? (Richmond)
 - Electronic filing, email parties ahead of time
 - Attorneys are getting used to the meeting link which is the same for every hearing.
 - Could this sample order be shared with NCJFCJ?
 - Yes
 - New York - e-signature, clerk will remotely prepare order and send it to the judge and everything is recorded
 - Marty Hyatt, state of Delaware - Suspended that any pleading has to be verified so nothing has to be notarized or signed by the clerk; don't have e-filing so orders go out by email and they are using Skype and call-in number for hearings
 - Judge Carr - police department has asked that the court send them notification of the court date by email so they can work virtually from home; all 8 judges are doing visitation order where they are working one week on, one week off; 3 courtrooms for emergency matters, 1 judge on call that stays at home; staggered schedule of teams with clerks; the idea is that if they are hit with the virus it doesn't wipe out the entire system; each of the judges are able to access remote

access to the court computer system so they can do video hearings; all detained hearings are done via video

- Stephanie Short - Are you able to do video conferencing from home?
 - Right now they are not, but if they get to the point where they have to close the court completely, they will be able to do them from home; the Supreme Court gave them remote access to do those from home
- How are those recorded?
 - Juvenile and domestic don't have to happen on the record
 - Other counties have court recorders doing so remotely or audio recording; Skype allows you to record
- Don't have video access to detention center so kids are still coming to court
 - Attorney is in courtroom with the judge
- **Judge Rowley - We are starting to get orders to show cause, which is all we are accepting, demanding the return of children or exchange of children, but the judges are uncomfortable with ordering that in the middle of a lockdown and would rather youth stay where they are. Thoughts?**
 - Judge Griffin, Chicago - Shares this concern, DCFS has suspended all visitation between parents and siblings and they are having an issue with attorneys to parents arguing that they previously had unsupervised visits and that's not in the best interest of the family etc. but that's problematic because the concern is best interest of the child (medical decision vs. best interest of child who can't see parents), colleagues are struggling with this
 - Texas - Does work around the country and most of the CW agencies are addressing visitation and how to do it safely and we might not want to make blanket orders wiping out visitation but instead look to agencies to see how they can make visits safe.
 - Are they at least doing virtual visits?
 - That's the attempt, but the reality is that access to the internet/phones isn't always possible for the populations we serve; the problem is if we don't know what we need to require the agencies to do
 - Connie, NCJFCJ - the Children's Bureau is very concerned about blanket orders and visitation being cut off and we anticipate they will be sharing guidance on that; we will share it
 - Judge Carr - difficult position that judges are put in, asked to make decisions with courts shut down and protecting selves and others; we've developed protocol that if you believe something is an emergency you can ask for an emergency hearing, a judge will review that pleading and decide if that is an emergency (imminent/life-threatening), there will be very few situations when it's about visitation that it is an emergency, but when it's a safety issue that's different
- **How are attorneys making sure parents are available when they don't have a telephone?**
 - Judge Goss - Courthouse isn't shut down so parents can still appear

- Judge Ayotte - if an attorney can't make contact with their client, I would continue that matter
 - Doesn't that make a funding issue?
- **How are judges of specialty courts keeping their participants motivated?**
 - Judge Goss - Behavioral health docket - team is still helping and they got them into programs but those programs are shut down; for those participants that need to see the judge they have them come to court with less than 10 people in the courtroom
 - Virginia - JDTC they suspended the hearings but the staff has been in communication with participants by telephone and email, and the programs have also been suspended so the judge is relying on the staff
 - Ohio - Family dependency court, JDC are being done as though they were having the hearings but doing it telephonically with the judge, magistrate, and service providers; service providers are trying to do the programs telephonically; want to use Zoom so all participants can be virtually present and motivate each other
 - Judge Broome, Rankin County, MS -family and juvenile intervention courts are using Go To Meeting, taking out staff to deliver journals and other materials and leaving them on doorsteps, communicating by phone to get participation; for juveniles they are creating activities where they can go online with them and use interactive programs like Kahoot! where they can get participation and meaningful activities but have to balance online schools and getting them motivated
 - Judge Carr - Shared stories to be very careful when using technology to be sure they turn the video off when they go to do something else
 - Can you record a zoom meeting?
 - Yes, this is a confidentiality issue
 - Do you wear your robe at home?
 - For a hearing, I would have my robe on
- **How are you dealing with those confidentiality concerns, who is in the room, if it's recorded?**
 - If one uses a Webex or Zoom, the recording is placed in the cloud and the administrator has access to the recording and it can be emailed to the clerk for them to keep as the official record
- **We've talked about working from home, having staff work from home, how are you navigating that and how is the care being taken in terms of those who you work with?**
 - Judge Ayotte - Be mindful of what employees are going through and checking in with them; it's harder to get things done with everyone in different places so extra communication is needed, working on kindness and giving each other grace as they work through problems
 - Judge Wiseman - one of the issues is staff having children and being concerned about the welfare of their kids and taking care of them while kids are out of

school, so that's why they've moved to electronic hearings so staff can be home with families

- Judge Carr - communicate the message that if you don't feel good, stay home; teams for clerks with one week on, one week off; making sure staff have the ability to access computer system remotely but not all of the clerks are working from home; check on your clerks
- Jury trials in Virginia, Maryland, California, Iowa, Arizona, Tennessee being suspended
- **Vice Chair of National CASA, Georgia - Has anyone had interaction with CASA volunteers during this period?**
 - Magistrate Raymond, MD / Virginia - Gone to all virtual with CASA volunteers
 - Judy Klein in Virginia - detention alternative programs, electronic monitoring, counselor contact with juveniles has all gone to telephonic

Supplemental notes from our judges

Judge Ayotte, Iowa Go To Meeting Language

In response to health concerns from the Coronavirus epidemic and instructions from the Iowa Supreme Court, the upcoming hearing scheduled in this matter shall be held through Go To Meeting. A link to join the meeting will be emailed to counsel by the court attendant prior to the hearing. Attorneys should arrange to have their client and any other participants, including witnesses, to join them in person, by phone, or through Go to Meeting. The link will be emailed by the court attendant to counsel and pro se litigants only.

Judge Ayotte, Iowa Delinquency Disposition Covid-19 Language

In response to health concerns from the Corona virus epidemic and instructions from the Iowa Supreme Court, the upcoming hearing scheduled in this matter shall be held through Go To Meeting. A link to join the meeting will be emailed to counsel by the court attendant prior to the hearing. Attorneys should arrange to have their client and any other participants, including witnesses, to join them in person, by phone, or through Go to Meeting. The link will be emailed by the court attendant to counsel and pro se litigants only.

If the child is in agreement to proceed via teleconferencing, the child shall execute a written or oral waiver to appear by teleconference.

If the child is not in agreement to proceed via teleconferencing, counsel shall notify the court so that an in-person hearing can be scheduled after May 4, 2020

Judge John Romero, Children's Court Division, NM

We three judges are on a three week rotation with one court monitor, one bailiff and one Hearing Officer. When not in court for our one week assignment, we are working remotely with access to our chamber's work station, our files and our case management system (Odyssey).

Children and youth in custody with juv just cases are our first priority, along with our 10 day custody (shelter) hearings in Child welfare cases. Parties and counsel appear via telephone conference technology with more than sufficient capacity.

All pleadings are filed electronically in both JJ and PS cases through dedicated court clerk email addresses. Judicial officers sign Orders electronically and file them electronically.

We are working on setting up video hearings from our detention center via dedicated polycom. Additionally we are testing Google Hangouts Meeting which requires participants to have or establish a Google account. It is free and effective.

Setting up a Hangout Meets Event

1. Sign into your Gmail account.
2. Open the calendar feature.
3. Select the date of the hearing.
4. Create a new event by double-clicking on the calendar date.
5. Add a title for the event. Example: "Judge X Morning Calendar"
6. Select the time for the event by unchecking "All day" option.
7. Click on the "Add conferencing" pulldown menu and select "Hangouts Meet."
8. In the "Add guests" box include the email address of the parties attending the hearing.
 - a. Note that quality may be lost after more than six or seven guests are added. Please limit the number of guests per event and create additional events at different times as needed.
9. In the "Add description" box include information on the case numbers that will be heard during that event. Example: "This Hangouts meeting is for case numbers: State v. Doe, D-202-CR-2019-123; State v. Smith, D-202-CR-2019-246; State v. Beck, D-202-CR-2019-689."
10. Click save.
11. You will be asked if you "would like to send invitation emails to Google Calendar guests." Click "send."

Conducting a Hangout Meets Event from the Calendar

1. Sign into your computer and Gmail account on your courtroom computer.

2. Be aware the camera on your monitor may be blocked which will prohibit the parties from seeing you. Unblock the camera by rotating the knob on the top of the monitor, above the camera.
3. Open the calendar feature.
4. Find the event that was created for the date and time.
5. Double-click on the event.
6. Click on the "Join Hangouts Meet" link
7. A video will appear and an option to "Join now"
8. Click "Join now"
9. You should now be connected
10. As each invited party joins, you will be sent a request to allow the party to join.

Functions during the Meeting:

1. During the meeting, you can toggle between two functions: One function appears vertically on the right side of your screen (inside a white bar) and lists the people in the meeting as well as a chat function. You can also add people to the meeting using this function.
2. The second function appears horizontally on the bottom of your screen (inside a white bar). In this function, you can present what is on your screen to the meeting participants. To do this, you click the "present now" icon on the far right. You can also stop video, stop audio and end call using the three icons in the center of this white bar. Lastly, there are three vertical dots at the far right that allows you to use a phone for audio.
3. You can only use one of these functions at a time. To access the horizontal bar, single click the three horizontal dots near a participant's name. To access the vertical bar, single click the white tab at the top right of the screen that has a person icon.
4. If you mute a participant, only the muted participant can unmute themselves. In other words, you cannot unmute someone you've muted.
5. If the audio is not functioning well through the computer or the parties cannot access this via computer, the parties can join by phone. It looks like there are two ways to do this. You can use the "Join by Phone" option within the calendar or you can call in while in the meeting. To join by phone and not use the Google Meet option, open the calendar event with a single click and the telephone number and pin are listed. To join within the Google meeting by phone, access the horizontal bar function, click the vertical three dots on the right side and select "Use a phone for audio" option.

Judge Hazelo, Island County, WA

We are using Starleaf system The StarLeaf app is a simple, secure and reliable application for messaging, meetings and calling. It works from anywhere, on any device, so your employees can collaborate, share and discuss as easily on the move as at work, and it is completely interoperable with other third party video calling devices.

Video Conferencing App | StarLeaf

All of our hearings are done through this system. Everyone is required to call in.

Our Juvenile Court operations are as follows:

During this time Island County Juvenile & Family Court Services and Juvenile Detention will be closed to in-person contact with the public, except for emergency matters and matters in which persons have no access to the technology necessary to access court services.

<https://www.islandcountywa.gov/JuvenileServices/Documents/Island%20County%20Second%20Amended%20Emergency%20Order%202020-3.pdf>

Additional Questions Asked

In child welfare cases, how can the court monitor the safety, well-being and permanency as it relates to the actions of the agency?