

FILED IN OPEN COURT

STATE OF ALABAMA )  
JEFFERSON COUNTY )

This 20th day of Mar 20 20  
ELISABETH A. FRENCH E.H.  
PRESIDING CIRCUIT JUDGE

**ADMINISTRATIVE ORDER NO. AO. 2020-026**  
**INTERIM COVID-19 EMERGENCY PANDEMIC RESPONSE**

**WHEREAS**, On March 13, 2020, the Alabama Supreme Court issued an administrative order declaring a state of emergency for the entire judicial branch for the State of Alabama amid the COVID- 19 pandemic. In that order, the Supreme Court suspended all in-person Court proceedings for thirty (30) days.

**WHEREAS**, under the constitutional, statutory, and inherent authority of the Supreme Court, the following provisions were adopted. All in-person proceedings in all state and local courts in Alabama, including, but not limited to, proceedings in the circuit court, district court (including cases on the small claims docket), family court, municipal court, probate court, and appellate courts, were suspended beginning Monday, March 16, 2020 through Thursday, April 16, 2020, subject to the exceptions below.

Exceptions to this suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals.
- Civil and criminal jury trials that are in progress as of March 13, 2020.
- Proceedings related to protection from abuse.
- Proceedings related to emergency child custody and protection orders.
- Department of Human Resources 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.
- Any emergent proceeding as needed by law enforcement.
- Termination of Parental Rights Proceedings
- Proceedings necessary to protect the constitutional rights of children who are alleged to be a delinquent child, specifically 72-hour detention and shelter care hearings, as well as proceedings necessary to protect children who are alleged to be a dependent child or a child-in-need-of-supervision, specifically 72-hour shelter care hearings.
- Other exceptions as approved by the Chief Justice.

**WHEREAS**, Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, Court Clerks are charged with ensuring that Court functions continue. Nevertheless, all Judges and Court Clerks are urged to limit in-person office contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing.

**NOW THEREFORE, IT IS APPROVED AND ORDERED** by the Presiding Judge of the Tenth Judicial Circuit that the following procedures be implemented in the Criminal

Divisions of the Jefferson County Circuit, District and Family Courts, both Birmingham and Bessemer Divisions.

## **DISTRICT AND CIRCUIT COURTS - CRIMINAL DIVISION**

Exceptions to this Order must be sought from the Presiding Judge of Circuit.

### **I. EMERGENCY MATTERS**

**A.** For emergency matters, the following essential personnel will be assigned:

- 1.** Duty Judge
- 2.** On-Call Deputy District Attorney
- 3.** On-Call Deputy Public Defender
- 4.** Scheduled employee or Magistrate assigned by the Clerk
- 5.** On-Call probation officer or associate probation officer, if necessary
- 6.** On-Call CCP and/or EM Staff

**B.** Anyone seeking to arrange an in-person hearing shall contact the Judge assigned to the case.

### **II. HEARINGS, AND OTHER MATTERS CONCERNING LOGISTICS OF COURT OPERATIONS**

**A.** Prior to the filing of routine motions involving bail and/or discovery matters, the parties shall confer with each other and endeavor to resolve the subject of the motion or temporarily agree to a resolution that shall govern until a hearing can take place after April 16, 2020. Upon filing of the subject motion, the moving party shall include a statement averring that before filing of the motion, the party attempted to resolve the subject of the motion with the opposing party.

**B.** All orders issued prior to March 17, 2020 in response to a Court's findings in a hearing, that are due to expire before April 16, 2020, shall remain in effect until the matter is rescheduled and heard.

**C.** Each Judge shall advise the Court Administrator regarding any deficiency in equipment necessary to conduct proceedings by video or telephone.

**D.** All Court personnel shall follow the policies and guidance provided by the Department of Health, Administrative Office of Courts and the Centers for Disease Control. If illness or exposure to the virus of personnel in any Clerk's office necessitates closure, the Clerk and Deputy Clerk will consult with the Presiding Judge to arrange assistance for the affected office.

### **III. BAIL**

**A.** Judges in both divisions shall continue to conduct bail/bond matters, Failure to Appear and 48/72-hour hearings.

**B.** Bail/bond motions shall be filed with the assigned Judge via Alacourt. Attorneys are encouraged to send a courtesy email to the assigned Judge and Judicial Assistant.



- C. Efforts should be made with the District Attorney's office to come to an agreement. If an agreement is not reached, the parties shall notify the Court and request a scheduled hearing.
- D. Attorneys are encouraged to make appropriate bond motions with the appropriate Judge and/or by either consulting with the District Attorney's office first or directly with the assigned Judge. If the parties are unable to reach an agreement, the Judge shall set the motion for a hearing giving reasonable notice to all necessary parties.
- E. During this emergency period and in accordance with A.R.Cr.P. 7.4 (c), the Senior Judges in each division, Judge Clyde E. Jones (Circuit Criminal Birmingham), Judge Katrina Ross (District Criminal Birmingham), Judge David O. Carpenter (Circuit Criminal Bessemer), and Judge Thomas E. Thrash (District Criminal Bessemer) shall review bonds of all persons who have been in jail for more than ninety (90) days. This review will not prevent defense attorneys, the state or the assigned Judge from reviewing or modifying bonds before or after the 90-day period.

## **ALABAMA BOARD OF PARDONS AND PAROLES, UAB TASC AND JEFFERSON COUNTY SEX OFFENDER UNIT**

### **I. ALABAMA BOARD OF PARDONS AND PAROLES JEFFERSON COUNTY OFFICE**

#### **A. Modification of certain conditions of probation**

##### **1. Drug testing**

a. Drug testing is temporarily **SUSPENDED**.

b. All testing conducted by outside vendors, drug treatment facilities or any entities other than probation, is **not** modified by this Order. In those instances, Probationers, Criminal Defendants and Juveniles shall continue testing, unless and until instructed otherwise by the specific vendor or entity conducting the testing and remain subject to sanctions for violations of probation or conditions of pretrial release for non-compliance. If the outside vendor or entity suspends or otherwise discontinues testing, the Defendant or Juveniles should notify their probation officer immediately.

#### **B. Temporary suspension of certain conditions of probation**

1. All group meetings and community service conditions are temporarily **SUSPENDED**, and accordingly, any conditions of probation or pretrial release that include attendance at group meetings and/or community service are temporarily suspended until further order.

2. All Probationers, Defendants and Juveniles who have been ordered to report to Court or to participate in programming or community meetings, whether during the day, at night or on weekends shall have those respective conditions of their probation or pretrial release temporarily **SUSPENDED** until further order. During the time that courthouses remain open for emergency matters only in accordance with applicable

orders issued by the Supreme Court, probation will move to administrative supervision via telephone until further order.

3. All violations will be reported to the designated Court and District Attorney immediately.

## **II. UAB TREATMENT ALTERNATIVES FOR SAFER COMMUNITIES (TASC)**

### **A. Modification of certain conditions of Community Corrections (CCP)**

#### **1. Drug testing**

- a. Drug testing is temporarily **SUSPENDED**.
- b. All testing conducted by outside vendors, drug treatment facilities or any entities other than probation, is not modified by this Order. In those instances, Probationers, Criminal defendants and Juveniles shall continue testing, unless and until instructed otherwise by the specific vendor or entity conducting the testing and remain subject to sanctions for violations of probation or conditions of pretrial release for non-compliance. If the outside vendor or entity suspends or otherwise discontinues testing, the Defendant or Juveniles should notify their probation officer immediately.

### **B. Temporary suspension of certain conditions of CCP**

1. All group meetings and community service conditions are temporarily **SUSPENDED**, and accordingly, any conditions of probation or pretrial release that include attendance at group meetings and/or community service are temporarily suspended until further order.
2. All Probationers, Defendants and Juveniles who have been ordered to report to Court or to participate in programming or community meetings, whether during the day, at night or on weekends shall have those respective conditions of their probation or pretrial release temporarily suspended until further order. During the time that courthouses remain open for emergency matters only in accordance with applicable orders issued by the Supreme Court, probation will move to administrative supervision via telephone until further order.
3. Violations of all other conditions will be reported to the assigned Court and District Attorney immediately.

### **C. Office Hours**

1. The UAB Community Justice Programs (TASC), including the Jefferson County Community Corrections Program, Specialty Court Programs, and Misdemeanor Programs shall continue to accept admissions to all programs and provide information to the assigned Judge.
2. TASC offices have initiated modified office hours. In-person intake and case management are available every Wednesday and Thursday from 10:00 a.m. to 3:00 p.m. TASC staff are assigned alternating work schedules.



**a. Specialty Court, CCP and Misdemeanor Courts.** Supervisors and Case Managers will divide weeks designated on-site and off-site working.

- i. Onsite Supervisors, Case Managers and Peers will focus on intake, case planning, six (6) month follow-up evaluations and addressing crisis and advocacy needs.
- ii. Off-site Supervisors, Case Managers and Peers will focus on case management, supportive services, referrals, six (6) month follow-up evaluations and addressing case management needs.

**b. Pretrial Release and Electronic Monitoring.** Supervisors and case managers will divide weeks on-site and off-site working

- i. On-site Supervisors, Case Managers and Peers will focus on interviews, verification of data, data entry, court advocacy, medication assisted treatment needs and providing data to the Courts.
- ii. Off-site Supervisors, Case Managers and Peers will focus on participant Court date reminder, case management, compliance with release conditions and connection to services.

**3.** ALL program intake and on-site emergency case management interventions are located at 401 Beacon Parkway West, Birmingham, AL 35209.

#### **D. Electronic monitoring (EM)**

**1.** UAB TASC Pretrial Reports. Pretrial Hearing reports are temporarily **SUSPENDED**. TASC is no longer required to visit the Jefferson County Jail to interview inmates for pretrial reports. District Judges are conducting forty-eight (48) and seventy-two (72) hour hearings via videoconferencing and the courtroom is limited to essential Court staff only.

#### **2. Office Hours**

**a.** EM office hours are Monday and Wednesday, 9:00 a.m. to 12:00 noon for the following purposes:

- a. Filing, delivering violations and miscellaneous reports, and all other office duties.
- b. EM staff may stay longer than the modified office hours if needed for hookups or equipment evaluation.
- c. Any emergency violations shall be emailed immediately and shall not wait until our office hours to be completed.
- d. For emergency purposes only, EM staff will report to the jail for client hookup on weekdays other than Monday and Wednesday.

**b.** EM staff will have 24-hour access to email.

**3.** Based on availability of staff, both equipment and equipment work shall be prioritized for existing probationers and individuals with existing pretrial conditions of release.

**4.** Probationers, Defendants and Juveniles currently on probation or subject to

pretrial conditions of release that involve EM, should contact EM with any questions.

5. Referral orders should be forwarded via email to designated EM staff preferably by defense counsel for inclusion of Defendant contact information.
6. EM staff shall be available for video and telephonic court hearings.
7. All violations shall be reported to the designated Court and District Attorney immediately.

**c. JEFFERSON COUNTY SEX OFFENDER UNIT**

**A. Modification of certain conditions of Sex Offender Registration, Notification and Reporting**

1. Defendants subject to conditions of the Sex Offender Registration and Notification (SORNA) Act are required to continue in-person reporting.
2. All violations shall be reported to the designated Court and District Attorney immediately.

**FAMILY COURT**

Deviation from this Family Court Order must be sought from the Senior Judge of Family Court.

**I. EMERGENCY MATTERS**

**A. 72-Hour Detention Hearings.** All 72-hour detention hearings shall be heard in person. When the technology becomes available, a Child may appear via videoconferencing from the G. Ross Bell Youth Detention Center after executing a Consent to Disposition Adjudication by Videoconferencing form. Attorneys may appear by phone with prior authorization from the Court.

**B. 72-Hour Shelter Care Hearings.** All 72-hour shelter care hearings shall be heard in person. Attorneys may appear by phone with prior authorization from the Court.

**C. Termination of Parental Rights Cases.** Termination of Parental Rights cases shall be heard in person as previously scheduled unless specifically continued by the Court.

**D. Protection from Abuse Matters.**

**1. Filing of Petitions.** Protection from Abuse petitions may be filed in person at Family Court between the hours of 9 a.m. and noon each Tuesday and Thursday. Additionally, the Court may make specific arrangements with the YWCA, One Place, and other victims' advocates to accept petitions that are completed and notarized at alternate times.

**2. Hearings.** Protections from Abuse hearing are currently being heard in person, but may be heard via videoconference should the appropriate technology become available. Attorneys may appear by phone with prior authorization from the Court.

**3. Prior Orders.** Any orders issued prior to March 17, 2020 with a hearing scheduled during the temporary suspension are to remain in full force and effect until the matter is rescheduled and heard by the Court, unless an order issues by the Court terminating the order at an earlier date.



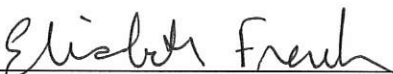
- 4. Expiring Orders.** Any emergency protection orders issued prior to the suspension period that are due to expire on or after March 16, 2020 shall remain in full force and effect until the matter is rescheduled and heard by the Court.

## II. NON-EMERGENCY CASE TYPES, EVENTS, ORDERS AND FILINGS

All non-emergency scheduled case events shall be continued to a date after April 16, 2020, unless otherwise identified in this Administrative Order, including any trials that have commenced in a dependency and protection matter.

- A. New Filings in Non-Emergency Case Types.** Unless otherwise identified in this Administrative Order, parties shall file new matters in non-emergency cases by mail to the Clerk's Office or by AlaFile. The filings will be docketed, but may not be scheduled in the case before May 4, 2020.
- B. Private Dependency Filings.** Private dependency petitions shall be filed by mail to the Clerk's Office or by AlaFile. Upon review by the Court, the Judge's order shall be filed via AlaCourt.
- C. Child In Need of Supervision Matters.** All CHINS hearings shall be continued until on or after May 4, 2020. Waiver of appearance of the parties, including subject children, attorneys, and employees of the Department Human Resources should be considered whenever practicable.
- D. Drug Testing.** Drug testing at Family Court is temporarily **SUSPENDED**. Testing conducted by outside vendors, or drug treatment facilities is not modified by this Order. In those instances, Juveniles shall continue testing, unless and until instructed otherwise by the specific vendor or entity conducting the testing and remain subject to sanctions for violations of probation or non-compliance with Court orders. If the outside vendor or entity suspends or otherwise discontinues testing, the Defendant or Juveniles should notify their probation officer immediately.

**DONE and ORDERED** this the 25<sup>th</sup> day of March 2020.

  
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**ELISABETH A. FRENCH**  
**PRESIDING JUDGE**  
**TENTH JUDICIAL CIRCUIT**

Via Email Distribution:

Tom Parker, Chief Justice  
Rich Hobson, Administrative Director of Courts  
Julia Jordan Weller, Clerk, Supreme Court of Alabama  
All Circuit Judges, Tenth Judicial Circuit  
All District Judges, Tenth Judicial Circuit  
Jacqueline Anderson Smith, Circuit Clerk, Tenth Judicial Circuit  
Karen Dunn Burks, Deputy Circuit Clerk, Bessemer Division  
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