



COMMONWEALTH OF VIRGINIA

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

19TH JUDICIAL DISTRICT

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MICHAEL J. VALENTINE
TEENA D. GRODNER
HELEN LEINER
RETIRED JUDGES

ARNOLD B. KASSABIAN
1976 – 1994
PHILIP N. BROPHY
1974 – 1980

Policies and Procedures of the Fairfax County Juvenile and Domestic Relations District Court During the COVID-19 Pandemic (Revised 11/19/2020)

The Fairfax County Juvenile and Domestic Relations District Court (the “**Court**”) continues to monitor the outbreak of coronavirus disease (COVID-19); actions taken by federal, state, and local authorities; and other recent developments; to ensure that its policies and procedures reflect the best evidence currently available about the pandemic. Accordingly, and after considering the liberty and constitutional interests at stake; the health and safety of parties, attorneys, court personnel, and others necessarily involved in the operations of the Court; and the ability of the Court to safely operate; the Court enacts the following revised policies and procedures, effective immediately, until amended or rescinded by further court action:

1. **Court Personnel.** Any Court personnel who have symptoms such as fever, cough, shortness of breath, or have been exposed to the coronavirus shall not report to work but shall promptly report their symptoms to their supervisor.
2. **Counsel and Litigants.** Any party, counsel, witness, or any other person with legitimate court business who is ill (including, without limitation, any such person who has a fever, cough, or shortness of breath); is caring for someone who is ill; has been exposed to the coronavirus; or is otherwise at high risk, as defined by the Center for Disease Control (CDC) shall notify the Court before appearing for any hearing and request an appropriate accommodation.
3. **Non-Case Related Events.** Some of the Court’s non-case related events have resumed. The Court is holding virtual operator license ceremonies and will resume other non-case related events as appropriate.
4. **Filings.** Attorney-filed papers shall be submitted to the court electronically, via email to JDRDC-Filings@fairfaxcounty.gov, with the original mailed to the Court (with a check for all necessary filing fees) within three days thereafter. The filing attorney will be billed for any filing fees not submitted with the original papers mailed to the Court. All filings shall be accompanied by a completed Remote Hearing Cover Sheet (<https://www.fairfaxcounty.gov/juveniledomesticrelations/sites/juveniledomesticrelations/files/assets/remote%20cover%20sheet%205-20%20-%20fillable.pdf>). Any party of counsel of

record obtaining updated or corrected information found in a previously filed Remote Hearing Cover Sheet shall file an amended Remote Hearing Cover Sheet including such updated or corrected information.

5. Court Preparation. The Court wishes to reduce the periods during which crowds of people are in the courthouse and, particularly, in the hallway waiting areas of the third floor. Accordingly, **for all hearings, the parties and counsel (including, without limitation, the Commonwealth and defense in criminal cases) shall be ready for trial at the time that the matter is scheduled to be heard**. All pretrial tasks (including, without limitation, negotiation of plea agreements and recommendations, meeting with defendants, interviewing and preparing witnesses, and executing agreed orders) shall be completed in advance of the scheduled trial time. Ideally, **all pretrial tasks should be completed before the day of trial**.
6. Agreed Orders. Fully-endorsed agreed orders shall be submitted to the court electronically, via email to JDRDC-Filings@fairfaxcounty.gov, with the original delivered to the Court via mail within three days thereafter. Without limitation, the following matters may be submitted as fully endorsed agreed orders: (1) criminal discovery motions; (2) written agreements as to pretrial release; (3) agreements for the modification of previously entered guilty pleas.
7. In-Person and Remote Hearings. For **criminal trials and preliminary hearings on Wednesdays and Thursday mornings**, the Court expects the parties, witnesses, and counsel to appear **in-person**. For **all other hearings**, the Court expects the parties, witnesses, and counsel to appear **virtually**, via WebEx. **Other than criminal trials, all hearings before the Court are virtual hearings.**
8. Hearing Attendance. For in-person hearings, **only necessary persons (e.g. parties, their counsel, and witnesses) shall be permitted in courtrooms during hearings**. All other persons should stay away from the courthouse. **No more than ten persons shall be permitted in any courtroom at any time (including the judge, clerk, and deputy sheriff)**. All persons shall always adhere to social distancing principles while in the courthouse.
9. Revised Continuance Policy. Any party, counsel, or witness who has traveled internationally since January 1, 2020; is ill (including, without limitation, any such person who has a fever, cough, or shortness of breath); is caring for someone who is ill; has been exposed to the coronavirus; or is otherwise at high risk, as defined by the Center for Disease Control (CDC) should request a continuance. Consistent with all other legal requirements, and except as otherwise set forth herein, a **liberal continuance policy** is in effect for all matters.
10. Calendar Control. To provide for the orderly and gradual return to normal operations, the Fairfax County Juvenile and Domestic Relations District Court has enacted the following Calendar Control procedures, which may be amended or rescinded by further court action:
 - a. Timing: Calendar Control matters will be heard remotely, by video conference or telephone, starting at 9:00 a.m. each day. All persons appearing for Calendar Control shall remain available by video or telephone from 9:00 a.m. until their case is called. Calendar control requests are limited to ten minutes and will be heard on the designated date unless the volume of requests is too high or the judge has another assigned docket. Any requests not heard and completed on the assigned date shall be rescheduled by the moving party.

- b. Scope: The Calendar Control docket is provided to address non-emergency scheduling issues only. Only the following matters will be heard on the Calendar Control docket:
 - i. Continuance requests.
 - ii. Requests to schedule any hearing (including, without limitation, civil and criminal motions, discovery matters, competency hearings, and pendente lite motions) for a date certain.
 - iii. Requests to consolidate cases, where a new petition has been filed dealing with the custody, visitation, or support of a child for whom another such petition has already been set for hearing and the two petitions would require the introduction of the same evidence.
 - iv. Requests that a scheduled in-person hearing be heard remotely or that a scheduled remote hearing be heard in-person.
- c. Setting and Notice: Matters will be placed on the Calendar Control docket by the filing of the current Court-approved Calendar Control Notice (<https://www.fairfaxcounty.gov/juveniledomesticrelations/sites/juveniledomesticrelations/files/assets/calendar%20control%20notice%20and%20order%20-%20fillable.pdf>) by noon the day before. All parties and guardians *ad litem* shall be given actual notice (e.g., by private process server or delivery in another manner acknowledged by the recipient).

11. Criminal matters. The Court is hearing criminal matters, as follows:

- a. Arraignments and Bond Motions. **Arraignments and bond motions (including motions to amend, modify, or revoke bond) will be heard daily at 2:30 p.m.** For arraignments and bond motions, each defendant shall appear by video from the applicable detention facility, juvenile intake, juvenile holding, or Shelter Care. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well. **If a defendant's appearance at a bond hearing is not waived, the bond motion shall explicitly state that; otherwise, the defendant's appearance will be deemed waived and the bond hearing will proceed.** Bond motions shall be filed by 3:00 p.m. to be heard the next day.
- b. Detention and Beta Review Hearings. **Detention hearings (including detention review hearings) and Beta review hearings will be heard daily at 1:30 p.m.** For all such hearings, the defendant shall appear by video from the applicable detention facility, juvenile intake, juvenile holding, or Shelter Care. If defense counsel wishes to be in the same room as the defendant during the hearing, counsel shall appear by video as well.
- c. Advisements. Attorney advisement hearings for defendants arrested and released on bond or recognizance are proceeding.
- d. Criminal Trials and Preliminary Hearings. Criminal trials and preliminary hearings are set through Calendar Control or at Status Hearing and will be heard as follows:
 - i. Wednesdays (In-Person). Criminal trials and preliminary hearings are heard all day on Wednesdays; each such hearing is limited to a total of 60 minutes.
 - ii. Tuesday and Thursday Mornings (In-Person). Criminal trials and preliminary hearings are also heard on Thursday mornings; each such hearing has no time

limitation, up to the remaining time available on the docket, not to exceed 180 minutes.

iii. Thursday and Friday Afternoons (Remotely). Some sex docket status hearings are scheduled for hearing on Thursday and Friday afternoons; each such hearing is limited to a total of 30 minutes.

e. Criminal trials set for Wednesdays will be called by a judge at the time each is scheduled. Matters proceeding to trial will be forwarded to a second judge for trial. Notwithstanding any other provision of these policies and procedures, **criminal matters that have been set for trial are expected to proceed to trial or plea at the time scheduled and motions to continue trial dates set with the agreement of the Commonwealth and the defense will be looked upon with disfavor.**

12. Civil Matters. Civil matters, other than child dependency cases, will proceed as follows:

- a. Judicial Authorization for Abortion. All petitions for judicial authorization for abortion shall be heard as emergency motions, within four days after filing.
- b. Judicial Consent for Emergency Medical or Psychiatric Treatment of Children. All petitions for judicial consent to medical treatment for a child and petitions providing for emergency admission to psychiatric treatment or involuntary commitment and related reviews shall be heard as emergency motions.
- c. Newborn Children; Substance Abuse. Petitions filed pursuant to Virginia Code section 16.1-241.3 shall be heard as emergency motions.
- d. Protective Orders.
 - i. Preliminary Protective Orders. **Preliminary protective orders will be heard by affidavit only.**
 - ii. Motions. Motions to amend, modify, extend, or dissolve protective orders (whether arising from a civil filing or criminal case) will be heard as emergency motions.
 - iii. Other Hearings. Hearings on emergency protective orders and full protective orders will proceed as usual.
- e. Removal Orders. Proceedings for emergency and preliminary removal orders and child protective orders will proceed as usual.
- f. Emergency Motions. **Emergency motions, for cases in which relief is necessary to prevent imminent and substantial physical or psychological harm to a child, will be heard as usual.** Emergency motions shall state, with particularity, the factual basis for claiming that relief shall be granted on an emergency basis. Each such motion will be reviewed by a judge before it is docketed.

13. Traffic Matters. At this time, traffic matters are being heard only by request made at Calendar Control.

14. These policies and procedures are subject to amendment as circumstances develop.