

**Pandemic
Continuity of Operations Plan
for
*Warren County
Circuit Court***

**Created on *March 16,*
*2020***

***Judge: William W. Sharp
Clerk: Angela Moore***

INTRODUCTION

The purpose of this Plan is to enable the *Warren County Circuit Court* to respond to and mitigate the effects of a loss of workforce and, more specifically, loss of workforce due to pandemic disease. The focus of continuity of operations planning for pandemic disease is effective and efficient human capital management to foster the continued performance of essential functions and services. This Plan might have applications beyond that of pandemic disease for other highly communicable diseases of public health consequence, or any other event that results in workforce reductions for extended periods of time.

This plan recognizes two main facts. The Warren County Circuit Court physically occupies a small courthouse, with a small number of staff in the Clerk's Office and Court Security Team. The only judicial employees are the judges themselves. This small size allows for a more general pandemic plan as the decision makers have frequent, if not daily, contact with one another. This will allow decision makers to act quickly, many times without requiring strict adherence to this plan. Flexibility is key.

Second, three of the main decision makers are constitutional officers – the Clerk, the Sheriff, and the Commonwealth's Attorney. In addition, the remaining decision-makers have protocols and authority through their own departments, such as Probation & Parole and Juvenile Court Services.

ASSUMPTIONS

General Assumptions

- Susceptibility to pandemic disease will be universal, or nearly so, impacting Judicial Branch employees at the same rate as the general population. This means judges, clerks, and supervisors might be among those who are absent from work due to illness or family care needs.
- Pre-event planning is critical to ensure a prompt and effective response to pandemic disease, as its spread will be rapid, probably reoccurring (in multiple waves), and difficult to stop once it begins.
- Workforce absenteeism may be as high as 40 percent at the height of a given pandemic wave for periods of about two weeks.
- Additional resources that might be accessed through mutual aid agreements, contracts, and the emergency management system including state and federal resources may not be available for a widespread event.
- Telecommunications connectivity might be limited.
- Individuals that recover from a pandemic virus, with or without treatment, will likely have a significant degree of immunity and can serve in key positions.

- To control the spread of disease, measures such as isolation, quarantine, and social distancing might be implemented which will impact the court's ability to conduct business activities.
- Schools, childcare, and adult day care centers may be closed.

PLANNING AND EMERGENCY MANAGEMENT RESPONSIBILITIES

The *Warren County Circuit Court* has designated the following positions and teams to be responsible for planning and executing emergency management responsibilities in the event of a pandemic:

Emergency Coordinating Officer: Judge – William W. Sharp

Public Information Officer: Clerk of Court – Angela Moore

Pandemic Planning Team & Emergency Management Team: See Attachment A

Chain of Command and Orders of Succession within Warren County Circuit Court are apparent to all due to the small size of staff in each office/department and the frequency of contact between departments.

As to judges, the Warren County Circuit Court will rely on the normal procedures for obtaining substitute judges in the event of an absence, or by shifting caseload among the remaining judges presiding in the Court. The Court may also rely on re-assignment of cases to other judges of the court or within the circuit. The judges will work with the other jurisdictions to assist other courts within and without the circuit as may be needed. Judges may do this by a variety of methods, including physical attendance or remote attendance through the use of telephone and video-conferencing.

ASSESSMENT OF MISSION CRITICAL AND ESSENTIAL FUNCTIONS

The *Warren County Circuit Court* has reviewed its functions. They are outlined in Appendix C of the Pandemic Influenza Bench Book and are attached herein as Attachment B.

COMMUNICATION AND EDUCATION

The *Warren County Circuit Court* will disseminate information to staff, the public, bar, court support agencies, and others. The Public Information Officer or his designee will utilize electronic and written communication outlets to ensure the speedy and widespread dissemination of information, including but not limited to: broadcast media, print media, web-sites, the posting of signs, and such other methods then available.

The Court's communication efforts should take place in stages: (1) at the onset of a

pandemic declaration; (2) during the ongoing pandemic event; and (3) the recovery after the event so that all relevant audiences are fully and accurately informed of changes to court schedules, policies, and other necessary information.

The constitutional officers serving the *Warren County Circuit Court* may provide information to their staff on personal hygiene, social distancing, and other measures to limit disease transmission. The constitutional officers of the *Warren County Circuit Court* may provide training to staff on proper use of Personal Protective Equipment, if provided. These functions are at the discretion of the respective constitutional officers, namely the Clerk, Sheriff, and Commonwealth's Attorney and the provision herein is not intended to require performance these functions.

HUMAN RESOURCES MANAGEMENT

Cross-training

In order to maximize human resources, the constitutional officers serving the *Warren County Circuit Court* may develop their department's Workforce Plan to address staff development and cross-training needs for significant reductions in workforce for extended periods of time, in accordance with their department's directives.

Alternate Work Arrangements

To support social distancing and mitigate the spread of disease, employees may be permitted to perform duties at home or off-site, as approved by the constitutional officer serving the *Warren County Circuit Court*. Teleworking and alternate work schedules are strategies for continuing essential services in the event of pandemic disease. These arrangements are at the discretion of the respective constitutional officer.

INFECTION CONTROL AND PROTECTION OF STAFF AND COURT VISITORS

Warren County Circuit Court may implement the following strategies to support social distancing:

- Schedule hearings, where appropriate, via electronic means;
- Allow electronic filing of documents, where appropriate;
- Temporarily adopt a liberal continuance policy;
- Continue jury cases if possible, and adopt jury management techniques that provide maximum social distancing;
- Avoid face-to-face meetings if possible. Meet via phone, internet, or some combination of the two;
- Train employees, if any, on cough etiquette and proper hand washing techniques;

- Implement alternate work schedules or other alternative work arrangements;
- Provide sanitation supplies so employees can clean frequently touched surfaces, such as phones and computers, and be able to appropriately wash hands; and
- Close the courthouse, partially or completely, and continue cases for a safe period of time.

SUPPLIES AND VENDORS

Warren County Circuit Court has several services or supplies provided by vendors, other departments, and contractors. In addition, the Clerk of the *Warren County Circuit Court* has identified alternative sources for services or supplies in the event the primary vendor or contractor cannot provide essential services or supplies. The main supplies are paper forms. The Court shall rely on paperless documents when possible. In the event forms become scarce, judges will use available transcription services to record rulings and orders. Where a written order is required, judges will rely on hand-written orders, if computer services are disrupted.

IMPLEMENTATION

This Plan might be implemented in part or in whole, by any judge of the *Warren County Circuit Court*. Employees will be notified of implementation by their supervisor.

The constitutional officers serving the Warren County Circuit Court have the authority to additionally follow their own protocols and procedures developed at their discretion and in accordance with statutory authority. No provision of this plan is intended to delegate or remove responsibilities of any judge, constitutional officer, or employee of an agency serving the Warren County Circuit Court that are otherwise required or forbidden by law. Should any provision herein contradict other legal authority, then that provision shall not apply.

This plan is intended only as a guide to ensure the continuity of operations for the Court. It in no way requires duties of any actor beyond those required by law.

ATTACHMENT A

PANDEMIC PLANNING TEAM

&

COURTHOUSE EMERGENCY PLANNING TEAM

ECO – William W. Sharp, Judge – 540-635-2435 – wsharp@vacourts.gov

Judge – William W. Sharp, Judge – 540-635-2435 – wsharp@vacourts.gov

Clerk – Angela Moore – 540-635-2435 – amoore@vacourts.gov

Probation – Tessie Lam – 540-431-3143 – tessie.lam@vadoc.virginia.gov

CSU – Janie Grinnan – 540-743-9435 – janie.grinnan@dji.virginia.gov

Sheriff's Office/Court Security – Lt. Jeremiah Laing – 540-635-4128 – jlaing@warrencountysheriff.org

CWA – John S. Bell – 540-635-5441 – jbelle@warrencountyva.net

JDR Court – Shanna Henry – 540-635-4107 – shenry@vacourts.gov

GDC Court – Lauren Jones - 540-635-2335 – ljones@vacourts.gov

APPENDIX C: MISSION CRITICAL AND ESSENTIAL FUNCTIONS**I. CIRCUIT COURT****A. Mission Critical Functions**

1. Conduct emergency (time sensitive) hearings (includes administrative support functions associated with hearings such as processing of all necessary paperwork, managing financial matters).

Examples include, but are not limited to, the following:

- a. Adult protective services – emergency order (63.2-1609)
- b. Criminal cases with speedy trial issues
 - Adults (19.2-243) (In custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
 - Juveniles
 - Transfer- Speedy trial rights attach upon the juvenile court's finding of probable cause in a preliminary hearing (16.1-269.1, 19.2-243)(Juvenile in custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
 - Appeal of a transfer decision where the juvenile is in secured detention (16.1-269.6 (B)) (*Hearing on the merits must be held within 45 days of filing the appeal*)
- c. Guardians/conservators – Appointment (64.2-2001- jurisdiction) (64.2-2007 - hearing) (64.2-2014 Notice and distribution of order - *next business day*)
- d. Injunctions (8.01-620)
- e. Isolation orders
 - Public health significance
 - Appeal (32.1-48.04)(*Priority over all other pending matters, except those under appeal pursuant to 37.2-821, and shall be heard as soon as possible*)
 - Public health threat
 - Review (32.1-48.012)
 - Appeal (32.1-48.013)(*Within 48 hours*)
- f. Judicial authorization of treatment (37.2-1101, includes appointing an attorney)(*Expedited hearing following appointment of an attorney*)
- g. Judicial denial of authorization for abortion appeal (16.1-241(W))
- h. Mandamus (17.1-513)
- i. Mental Health

Circuit Court

- Involuntary admission to an inpatient facility, mandatory outpatient treatment or certification order appeal (37.2-821) (*Filed within 30 days of the order and shall be given priority over all other pending matters and heard as soon as possible*)
 - Forward copies of orders to CCRE 37.2-819
 - Order for involuntary admission (*as soon as practicable but no later than the close of business on the next following business day*)
 - Order for mandatory outpatient treatment (*prior to the close of that business day*)
 - Temporary Detention Order (19.2-169.6 and 19.2-176)
 - j. Protective orders
 - Emergency protective order
 - Family abuse (16.1-253.4)
 - Stalking, sexual battery and acts of violence (19.2-152.8)
 - *Forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-253.4 and 19.2-152.8)*
 - Protective order in pending cases of divorce, custody, support or visitation (20-103 (B))
 - *Forward the order as soon as possible to law enforcement for entry into CCRE (20-103 (D))*
 - Appeal of protective order
 - Family abuse (16.1-279.1) (*Precedence on the docket over other civil appeals 16.1-296 (F)*)
 - Stalking (16.1-106, 19.2-152.10)
 - *Upon issuance, forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-279.1 and 19.2-152.10)*
 - k. Quarantine orders
 - Review (32.1-48.09)
 - Appeal (32.1-48.010) (*Within 48 hours*)
 - l. Voter registration denial - Appeal (24.2-422) (*precedence over all other business of the court and shall be heard as soon as possible*)
2. Conduct bond hearings and appoint counsel (as needed) for defendants in custody (includes administrative support functions such as docketing and processing necessary paperwork and managing financial matters (19.2-158))
- a. Appeal from order denying bail or fixing terms of bond or recognizance (19.2-124)
- Note: videoconferencing should be used, if possible.
3. Conduct arraignments (includes administrative support functions such as docketing and processing necessary paperwork (19.2-254))

Circuit Court

Note: videoconferencing should be used, if possible.

4. Provide interpreter services as needed
 - a. Civil cases (8.01-384.1:1 (non-English speaking); 8.01-384.1 (deaf)
 - b. Criminal cases (19.2-164 (non-English speaking); 19.2-164.1 (deaf))Note: Utilize telephonic interpreter services where appropriate.
5. Process all incoming time sensitive documents received by mail, fax or over the counter (includes processing of all necessary paperwork and managing financial matters)

Examples include, but are not limited to, the following:

- a. Civil pleadings (17.1-129 – date and time received must be stamped or marked)
 - b. Election results (24.2-668 (Retention of pollbooks, paper ballots and election materials), 24.2-802 (Procedure for recount))
 - c. Fees collected by clerk (17.1-275)
 - d. Land records (55-96, 17.1-223 – time and date stamp)
 - e. Probate taxes and fees (58.1-1712, 58.1-1715, 58.1-1718)
6. Secure and maintain records (17.1-209)
 7. Secure funds received (17.1-211)
 - a. Deposit state monies into State Treasury (2.2-806 (B))
 8. Maintain systems (automated and manual), personnel, technology and communications (telephone, email, internet) necessary to support continuance of operating functions

B. Essential Functions

1. Resume daily dockets and case processing functions for civil and criminal cases
2. Manage financial matters, including but not limited to the following:
 - a. Assessment of fines/costs - 19.2-336
 - b. Collections 19.2-349
 - c. Notices to pay – issuance of (46.2-395)
 - d. Observe sound accounting practices (daily bookkeeping duties, deposit, investment and payout of funds (58.1-3177), reconciliation of accounts)
 - e. Preparation of statements and reports (17.1-283, 19.2-390, 19.2-336)
 - f. Setoff Debt Collection Act (58.1-520 et seq.)
 - g. Unclaimed property (55-210.9:2; 55-210.12 by November 1 of each year)

Circuit Court

3. Process probate matters (64.2-443 and 64.2-444)
4. Record, index and scan land records
 - a. Entries in index (17.1-249) (*daily*)
 - b. Index of recorded instruments (55-96) (*daily index- daily; general index - within 90 days after admission to record*)
 - c. Record writings (17.1-223)
5. Manage juries (8.01-343 through 8.01-363)
6. Process civil and criminal appeals
 - a. Court of Appeals (Rule 5A:10) (*as soon as possible after notice of appeal is filed*)
 - b. Supreme Court of Virginia (Rule 5:13) (*as soon as possible after notice of appeal is filed*)
7. Submit reports to other agencies

These reports include, but are not limited to, the following:

- a. Adoption - VS-21 (32.1-262 – *on or before the 10th day of the month*)
 - b. COIN (Constitutional Officers Information Network) – submission of salary and expenses to Compensation Board (*by the 10th of each month*)
 - c. Deeds of partition/conveyance of land (58.1-3303 – *before the 15th of each month*)
 - d. Divorce - VS-4 (32.1-268 – *on or before the 10th day of the month*)
 - e. Incapacity adjudications (64.2-2014) (*next business day*)
 - f. Marriage license (32.1-267(D)) – *on or before the 10th day of the month*)
 - g. Notary report to Secretary of Commonwealth (47.1-9 – *within 14 days of qualification*)
8. Process miscellaneous activities, including but are not limited to the following:
 - a. Appoint ministers (20-23) and others to perform marriage rites (20-25)
 - b. Concealed handgun permits (18.2-308)
 - c. Marriage licenses (20-14)
 - d. Military Discharge Papers - record (17.1-265)
 - e. Notary qualification (47.1-9)