



IN THE SUPREME COURT OF ALABAMA
IN RE: COVID-19 PANDEMIC EMERGENCY RESPONSE

March 13, 2020

**ADMINISTRATIVE ORDER SUSPENDING ALL IN-PERSON COURT
PROCEEDINGS FOR THE NEXT THIRTY DAYS**

The President of the United States having declared a national emergency and the Governor of Alabama having declared a state of emergency for the State of Alabama amid the Coronavirus Disease 2019 ("COVID-19") pandemic, the Supreme Court of Alabama, pursuant to the authority vested in it under Article VI, §§ 139, 140, and 150, Ala. Const. 1901, hereby declares a state of emergency for the entire Judicial Branch of the State of Alabama.

The local and state courts of the State of Alabama are open and will remain open under all circumstances, subject to the provisions of this order.

Under the constitutional, statutory, and inherent authority of the Supreme Court, we adopt the following provisions. 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), juvenile court, municipal court, probate court, and appellate courts, are 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.
- Other exceptions as approved by the Chief Justice.

The presiding judge or the designee of the presiding judge of each judicial circuit is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted. Other exceptions to the suspension of in-person court proceedings must be approved by the Chief Justice. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

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 courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing. Any Alabama state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until April 16, 2020.

This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.

Any deadlines that are set by or subject to regulation by this Court that are set to expire between March 16, 2020 and April 16, 2020, are hereby extended to April 20, 2020. This Court cannot extend any statutory period of repose or statute of limitations period.

Orders of protection and temporary injunctions that would otherwise expire between March 16, 2020, and April 16, 2020, are hereby extended until April 16, 2020, unless the trial court elects to enter an order to the contrary.

This order is subject to modification, revision, or rescission by the Supreme Court at any time during the time periods stated herein.

Parker, C.J., Bolin, Shaw, Wise, Bryan, Stewart, and Mitchell, JJ., concur.

Witness my hand and seal this the 13th day of March, 2020.


Julia Jordan Weller
Clerk, Supreme Court of Alabama

IN THE 32ND JUDICIAL CIRCUIT
STATE OF ALABAMA

ADMINISTRATIVE ORDER 2020-02

An Order Adopting A Local Court Response Plan to Contain COVID-19

WHEREAS, the Alabama Supreme Court has entered an administrative order that “[a]ll 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), juvenile court, municipal court, probate court, and appellate courts, are suspended beginning Monday, March 16, 2020 through Thursday, April 16, 2020, subject to [certain] exceptions”; and

WHEREAS, certain court proceedings, which are identified in the Supreme Court’s administrative order, are deemed so essential that in-person proceedings must be timely held even during times of pandemic, natural disaster or other similar crisis; and

WHEREAS, the Alabama Supreme Court administrative order authorized the presiding judge in each judicial circuit to determine the manner in which in-person court proceedings for essential court services are to be conducted; and

WHEREAS, the Centers for Disease Control have adopted certain guidelines to mitigate the spread of disease within communities;

It is therefore ORDERED that the following rules and guidelines are adopted and shall be followed by all courts and court staff operating within the 32nd judicial circuit during the present partial suspension of in-court proceedings, as authorized by the Alabama Supreme Court:

1. All court pleadings, court orders and similar court documents shall be filed electronically to the fullest extent possible. In the event it is necessary to file a paper document with the Court Clerk, all filings shall be made at the counter with a glass barrier between the person filing the document(s) and the clerk receiving the document(s).

2. The Alabama Supreme Court having suspended, until April 16, 2020, any court rule that limits a judge's authority to order telephonic or video conference hearings, it is hereby ORDERED that each judge of this judicial circuit shall have the discretion to require that any essential court proceeding be conducted by telephone or video conference. If a judge determines that a video or telephonic conference is not practicable, only the parties, their counsel, material witnesses and such others as the judge hearing the case determines to be necessary to the proceeding shall be permitted in the courtroom, with the exception of any minor or incapacitated person that is a party. In such cases, the minor or incapacitated adult may be accompanied by a parent or legal guardian during the court proceeding. During every in-court appearance, all individuals who are present shall adhere to the protocols adopted by the CDC, including maintaining a social distance of at least six feet, to the extent practicable.

3. All initial appearance hearings for individuals arrested, who have not been released on bond within 48 hours of their arrest, shall be conducted by video conferencing only.

4. All requests by law enforcement officials or by others for warrants or to execute criminal complaints before a judge or magistrate shall be conducted electronically or by video conferencing, where practicable. Where telephonic or video conferencing is not practicable and it

is necessary to execute documents in person, all CDC protocols adopted to limit the transmission of the COVID-19 virus shall be followed to the fullest extent possible, including maintaining an appropriate social distance.

5. Any individual wishing to obtain and cast an absentee ballot for the upcoming runoff election may obtain a ballot and other necessary documents from the office of the Cullman County Circuit Court Clerk. However, all communications between the clerks and the individual voting by absentee ballot shall occur with the glass barrier erected at the Circuit Court Clerk's counter separating them.

6. All requests for leave by employees during the period that in-court proceedings have been partially suspended shall be governed by the rules adopted by the Alabama Supreme Court, as may be amended during the period of time the partial in-court suspension is mandated. Special consideration shall be given to those employees with younger children who are not in school as a result of any school cancellation of classes.

7. All individuals, including judges and court staff, who are running a fever, or have other symptoms associated with the COVID-19 virus or who have recently traveled to an area where there has been a documented outbreak of the COVID-19 virus, or who fall within one of the categories listed in the attached Exhibit "A", shall not enter the courthouse and shall be denied entry to the courthouse by courthouse security. In the event an affected person is barred from the courthouse due to the risk of COVID-19 transmission, video or telephone conferencing shall be employed by the judge presiding over the person's case to insure that any essential court hearing is timely held to prevent irreparable harm, to preserve the constitutional rights of a person or for any of the other exceptions listed in the March 13, 2020 administrative order entered by the Alabama Supreme Court.

8. Except as otherwise herein provided, all judges and court staff shall continue to work at the courthouse during the temporary partial suspension of in-court proceedings to make sure that all essential court services are provided to the public without interruption.

9. Nothing herein shall be construed to limit or abridge the right of an individual to waive his or her right to a hearing outside of a timeframe otherwise required by statute or rule of court, to the extent that such timelines may lawfully be waived by an individual.

10. It is ORDERED that the Circuit Court Clerk shall post, at each public entrance to the Cullman County Courthouse, a copy of the notice provided by the Alabama Administrative Office of Courts forbidding courthouse entry to certain persons. A copy of this notice is attached to this Order as Exhibit "A".

11. It is further ORDERED that the Circuit Court Clerk shall post, at each public entrance to the Cullman County Courthouse, a notice to all individuals who are not permitted entry under the provisions of this order. The notice shall state: "If you are unable to enter this facility and have an attorney, please contact your attorney." The notice shall also provide the name, job title, phone number, mailing address and email address of each person assigned the responsibility of responding to questions concerning the filing of pleadings and other documents relating to the essential court functions listed in the March 13, 2020 administrative order of the Alabama Supreme Court.

12. It is ORDERED that the Circuit Court Clerk shall provide the Alabama Administrative Office of Courts with a copy of this Order and a copy shall also be posted on the Cullman Courts official website.

13. Amendments to this Order may subsequently be adopted, as deemed necessary or desirable.

Done this the 14th day of March, 2020.

/s/ Gregory A. Nicholas
Gregory A. Nicholas
Presiding Circuit Judge
32nd Judicial Circuit
State of Alabama