

SIXTH JUDICIAL CIRCUIT COURT
Protocol Order During COVID-19 Public Health Crisis

This Order is issued in response to the COVID-19 (coronavirus) public health crisis and to the Michigan Supreme Court’s exercise of general superintending control over all state courts pursuant to the 1963 Constitution, Article VI, §4 regulating court operations during this pandemic.

For several weeks in order to mitigate the spread of the coronavirus, the Sixth Circuit Court has given priority to emergency and essential matters and has limited in-person appearances by holding hearings via videoconferencing to the greatest extent possible. In doing so, the Sixth Circuit Court has been operating at less than full capacity. As the public health concerns wane with a downward trajectory of positive COVID-19 cases confirmed by the Oakland County Health Department, a gradual increase in court operations is necessary to ensure timely adjudication of all matters.

The Michigan Supreme Court recently established a Phased Return to Full Capacity (RTFC) directive to trial courts to work with their local health departments before expanding court capacity. RTFC employs a 4-phase process in which Phase 1 has the most restrictive staffing and court operations and Phase 4 has unrestricted court staffing and full onsite public-facing activities. It is presumed that courts will migrate between Phases 1, 2, 3, and 4 as the public health crisis waxes and wanes until containment or elimination of the public health threat is achieved. This Order establishes protocols for court hearings, essential matters, and other court services during the RTFC phases to ensure access to justice while mitigating staff and public exposure to public health risks.

This Order is effective on June 12, 2020, and shall remain in effect until further notice of the Court.

COURT HEARINGS

Remote Hearings

Pursuant to Michigan Supreme Court Order 2020-6, during the COVID-19 public health crisis, all judges in Michigan are required to make a good faith effort to conduct proceedings remotely whenever possible. Although adjournments are permitted when necessary, courts are directed to implement measures to ensure all

matters proceed as expeditiously as possible. Therefore, during RTFC phases 1, 2, and 3, judicial officers (including FOC and Juvenile Court Referees) are to conduct all proceedings remotely (whether physically present in the courtroom or elsewhere) by using two-way interactive videoconferencing technology or other remote participation tools.

In-Person Hearings

In order to provide for social distancing and to mitigate the spread of COVID-19, in-person court hearings are to be limited in all RTFC phases.

During RTFC phase 1, in-person hearings are limited to essential matters as listed herein. During RTFC phases 2 and 3, in-person hearings may include essential and non-essential matters at the discretion of the assigned judicial officer. Although in-person hearings are permissible for any matter in phases 2 and 3, holding in-person hearings are not encouraged. If an in-person proceeding is deemed necessary, it may be scheduled with the assigned judicial officer giving great weight to current courthouse and courtroom capacity limits, building entrance screening measures, PPE availability, and social distancing accommodations.

Although some in-person hearings are permissible in each phase, proceedings shall be conducted by two-way video-conferencing technology or other remote participation tools to the maximum extent possible.

ESSENTIAL MATTERS

Essential matters include actions where an immediate liberty and/or safety concern is present requiring the attention of the court as soon as the court is available.

Examples include:

- Criminal court search warrants, arrest warrants, initial appearances, bond reviews;
- In-custody sentencing and juvenile disposition hearings;
- Sentencing and juvenile disposition hearings to protect public safety;
- Personal protection orders under MCL 600.2950 and 600.2950a;
- Show cause and injunctive orders where detention is requested;
- Juvenile court delinquency detention hearings;
- Child abuse and neglect emergency removal hearings and OTTIC hearings;
- In-custody designated and adult court waiver arraignments;

- Safe delivery of newborn hearings;
- Parental bypass hearings;
- BW dismissal hearings;
- Domestic matters alleging an immediate threat of harm to the child or party;
- Infection disease petitions brought by the Oakland County Health Department or Corporation Counsel on behalf of Oakland County.

OTHER COURT SERVICES

- Jury trials are suspended by order of the Michigan Supreme Court Order and by order of this court until further notice.
- Remote hearings videos will be made available for public viewing upon appointment only. Public requests to view past video records must be submitted to circuitcourt@oakgov.com, until further order of the court.
- Problem Solving Court team meetings and review hearings shall continue remotely to the greatest extent as possible. In-person reviews may occur at the discretion of the assigned judge.
- Case evaluation hearings shall be conducted remotely facilitated by the Court's Case Management Office staff. Any dispute over the scheduling of a case evaluation date in relation to an adjourned scheduling order must be resolved by order of the assigned judge.
- Juvenile caseworkers and youth assistance caseworkers shall continue to perform duties remotely to the greatest extent possible.
- Friend of the Court hearings will be conducted remotely to the greatest extent possible.
- In-person testing performed by the court psychological clinic or the Friend of the Court is suspended.
- In-person review of confidential juvenile files is suspended.
- The above referenced matters may be conducted in-person upon court approval in accordance COVID-19 safety protocols.

- In-person consultations by Friend of the Court Staff may resume upon Friend of the Court Director approval. In RTFC phase 2 consultations will be by appointment only. In RTFC phase 3 consultations will be by appointment or on a walk-in basis.
- The Friend of the Court SMILE Program shall be offered electronically only.

IT IS SO ORDERED.



Shalina D. Kumar
Chief Circuit Judge

June 12, 2020

Date