

IN THE SIXTEENTH JUDICIAL DISTRICT OF TENNESSEE

IN RE:)
)
COVID-19 PANDEMIC) STANDING ORDER
) JUDICIARY SITTING *EN BANC*

STANDING ORDER REGARDING THE EASING OF RESTRICTIONS OF IN-PERSON PROCEEDINGS

Whereas the Tennessee Supreme Court has recently modified the suspension of in-person court proceedings. However, the Supreme Court has also Ordered that social distancing and other efforts remain in place including limiting persons in the courtroom, scheduling cases at staggered times, arranging for separate rooms for witnesses and other measures designed to limit people from being in close proximity to one another.

In order to facilitate the April 24, 2020, Order of the Tennessee Supreme Court, the Judges of the 16th Judicial District, including all Circuit, Chancery, General Sessions and Municipal Judges in both Rutherford and Cannon Counties will implement the following rules regarding in-person proceedings:

- I. Courthouse Procedures (Municipal Court facility procedures will be included in the Municipal Court section):** In addition to the specific procedures listed below for each courthouse and judicial facility in the 16th Judicial District, each Judge within the 16th Judicial District shall develop and implement a plan for each courtroom that includes frequent sanitizing, depending on the nature of the docket, that includes wiping down areas used and touched by members of the public, judges, court personnel, witnesses, attorneys, and court security at regular intervals during the day. Likewise, areas of entry into courthouses and court facilities, elevators and other areas that are frequented by the public and courthouse staff shall be sanitized frequently during hours of operation and at the end of each day.

1. Rutherford County Judicial Center

Rutherford County Court Security plans to limit potential human-to-human transmission of the coronavirus by keeping persons six (6) feet apart. Only attorneys, clients and others directly involved in a case will be allowed entry into the Rutherford County Judicial Center building. Before entry, patrons will have their temperature scanned. Anyone with a temperature

of 100.4 F or above, will be denied entry into the building. **No minors will be allowed in the Rutherford County Judicial Center building without leave of Court.**

A. Front Entrance (Outside):

There will be marks (tape) placed strategically around the entrance spaced six (6) feet apart. There will be one deputy assigned outside during the peak hours to ensure that social distancing guidelines are being met.

B. Front Entrance (Inside):

We will have one screening area for persons entering the building. Attorneys and employees of the building will be given access through the fire door located on the side of the front entrance. Attorneys and employees will be given the privilege of screening first, so they can get to their respected court/areas. There will be marks (tape) placed strategically through the screening station spaced six (6) feet apart. Only one person at a time will go through the screening station. When that person clears the area, the next person may proceed with screening. There will be hand sanitizer available for everyone entering the building. Temperatures will be taken of persons who are granted access to the building. Security will have only one screening station open. There will be a deputy assigned with a clerk to verify that the person entering the building is on a docket.

C. Patrons' movement throughout the building:

All persons with General Sessions Criminal cases shall use the escalator and steps to the second floor (if they are physically able). Persons with cases other than General Sessions Criminal will be permitted to use the public elevators. Each public elevator will be marked (tape) with X's to suggest where patrons should stand. We will limit three (3) people per elevator. Signage will be posted at all elevators to suggest only three (3) people per elevator. We will have a deputy assigned near the first floor elevators (when staffing allows).

D. Courtrooms:

There will be marked X's (tape) strategically placed on every bench in the courtrooms spaced six (6) feet apart. We will have signage posted at each courtroom suggesting that each person entering court is to sit in designated X's only. Each Judge will have their plan on what procedures should be followed in their respected courtrooms. All Courtrooms shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security.

2. Cannon County Courthouse

Cannon County Court Security plans to limit potential human-to-human transmissions of the coronavirus by keeping patrons six (6) feet apart. Only attorneys, clients and others directly involved with the case will be allowed entry into the building. Before entry, patrons will have their temperature scanned. Anyone with a temperature of 100.4 F or above will be denied entry into the building.

A. Front Entrance (Outside):

There will be spaces provided 6 feet apart to ensure social distancing. An officer will be at the station to take temperatures and log them on the sign in sheet. Court dockets will be separated by alphabetical order to ensure as few patrons are in the court as possible.

B. Front Entrance (Inside):

There will be one (1) entrance for all patrons entering the building. All employees and Attorneys will be given access to the building through the West Side entrance. Once access is granted to the courthouse there will be a station inside the door to provide hand sanitizer and masks. There will be marks throughout the building to provide suggested placement or patrons to ensure social distancing. Only one person at a time will be permitted through the screening station.

C. Courtroom:

Seats in the courtroom have been blocked off to ensure patrons are seated six (6) feet away. The juror's boxes will be reserved for attorneys and court personnel. The Courtroom shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security.

3. Town of Smyrna Judicial Building

A. Entrance

1. All persons prior to entering the Town of Smyrna Judicial building, for in person hearings, will have their temperature scanned. Anyone with a temperature of 100.4 F or above will be denied entry into the building. All persons are encouraged to wear face masks and will receive hand sanitizer upon entering the building. The front entrance to the building will serve as the only entrance into the building for court proceedings.
2. Persons screened upon entry will be allowed into the building. Attorneys will be given the privilege of screening first, so they can proceed into the courtroom. There will be marks (tape) placed strategically though the screening area spaced (six) feet apart. Only one

person at a time will proceed through the screening area. There will be a Smyrna Police officer along with a clerk at the screening area.

B. Courtroom:

The courtroom benches will be marked to indicate appropriate distancing once inside the courtroom. Only defendants will be allowed in the courtroom. Any and all others shall remain in their vehicles. The Courtroom shall be limited to ten (10) persons at any given time, excluding the judge, court personnel, and court security.

C. Accommodations:

The Town of Smyrna Judicial Building offices will be modified to accommodate Attorneys, Public Defenders and ADA's to allow for maintaining the appropriate social distancing when meeting with clients.

4. Rutherford County Juvenile Justice Center

Court Security plans to limit the potential human to human transmission of the Corona Virus by keeping persons six (6) feet apart. Only Attorneys, Clients and others directly involved in the case will be allowed entrance into the building. Before entry, all persons will submit to a temperature scan. Any person failing to comply or who has a temperature of 100.4 F will be denied entry into the building.

A. Front Entrance (Outside):

1. There will be marks placed on the concrete (tape) approximately six (6) feet or more, as architecture allows, designating appropriate social distancing while in proximity of the entrance.
2. There will be a Deputy assigned during peak hours to ensure compliance with social distancing guidelines. The Deputy will monitor during non-peak hours by video surveillance.
3. Patrons will have their temperature taken prior to speaking with the Clerk to check in for their case on the docket. The Outside Deputy will be present to ensure only those persons appearing on the docket will be allowed entry as needed.

4. Upon checking in with the Clerk, personnel shall provide a cell phone number. The person may or may not be given direction to wait outside the entrance, or in their vehicle, and will need to be available to the Court while complying with social distancing.

B. Front Entrance (Security Screening Inside):

1. There will be one (1) door for entry into the building and a separate exit door on the other side of the lobby to avoid contact.
2. Only one (1) person at a time will go through the screening station. When the person has cleared the area and has distanced themselves by the required six (6) feet or more, the next person shall proceed.
3. Employees and Attorneys will be permitted priority screening before the public screens.
4. Marks on the floor (tape) will be placed on the floor to assist in gauging proper social distancing once the person has retrieved their items from the screening station and is replacing articles on his/her person, if needed.
5. Hand sanitizer will be provided.
6. While in the lobby of the Juvenile Courthouse, personnel will be advised by a Deputy Sheriff what chair to sit in. Chairs have been numbered with a total of nine (9) chairs available. Each seat is within the guidelines of social distancing. If all the chairs are occupied, no one else shall be allowed entry; **unless** they are summoned by the Judge to appear directly in the Courtroom. At which time they would complete the normal security screening process.
7. All Courtroom bench seating will have "X"'s placed six (6) feet apart to help gauge for proper social distancing.
8. Signs will be placed outside of the courtroom to remind persons to be seated at the appropriate place, or as directed by the Court.
9. Each Judge will have their own plan on what procedure should be followed in respect to their Courtroom.
10. Each Courtroom shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security.

II. Courtroom Procedures

1. Rutherford County Circuit and Chancery Courts

A. Circuit Criminal

1. No one other than attorneys, officers, litigants, or defendants will be allowed entry into courtroom without leave of court. While open courts are a very basic and important part of the American judicial system, this requirement shall be stayed until the expiration of this crisis. Witnesses shall remain out of the courthouse until summoned to the courthouse by phone and will be allowed into the courthouse at the start of a case only by leave of Court. Continuances should be submitted by agreed order. Court time should not be set for counsel to appear only to continue to a later date.
2. No lengthy discussion of cases inside of the courthouse will be permitted. **Plea, Agree, Set, or Hear.** This will shorten dockets timewise. Cases should be prepared as much as possible prior to the docket, outside of court. Courtroom time should be limited to entering a plea, entering an agreed resolution, setting a case for trial, or conducting a hearing. Requests for continuances should be submitted by written order. Oral motions to continue will not be granted. Counsel who are not ready to **Plea, Agree, Set, or Hear** should contact opposing counsel and submit an agreed order to continue their matter.
3. Security shall maintain a heavy presence on each floor to keep people separated.
4. In order to ensure litigants' safety, the dockets are limited to ten (10) persons at any given time, excluding the judge, court personnel and court security. Dockets will be staggered hourly as needed to further limit the number of persons in the courtroom.
5. No minors will be allowed in courtroom without leave of court.
6. There will be signage on courtroom benches and hallway benches with marks (blue masking tape or similar tape) indicating where people are allowed to sit. Marks will be six (6) feet apart to maintain distancing in the courtroom.
7. No jury trials will be set until the month of July.

B. Circuit Civil and Chancery

1. Rutherford County Circuit Civil and Chancery Motion dockets present the largest crowds for the civil courts. Judges shall attempt to reduce the number of in-person proceedings

by utilizing phone conferences or other electronic means to resolve motions without the need for an in-person hearing. Motion dockets may be staggered, as determined by the Judges handling the civil dockets, to reduce the number of in-person participants at any given time. Each Courtroom shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security.

2. Civil trials typically have a limited number of participants as witnesses and will be handled as provided for above in order to reduce the number of people present in the courthouse and the individuals' physical proximity to each other and other participants. Non-party witnesses shall be called "out of order" in order to allow them to testify first and then leave the building immediately after testifying.
3. Rutherford County Circuit Civil and Chancery courts shall be sensitive to those individuals (including lawyers, parties and witnesses) who are at an increased risk of contracting COVID-19 due to age or other conditions. Continuances should be freely granted if a participant is at a higher risk unless their testimony can be obtained by alternate means such as FaceTime, Skype, or similar method. If constitutional rights are involved, i.e. temporary restraining orders or Orders of Protection, the Courts shall ensure Due Process rights are protected.
4. Witnesses below the age of majority will not be allowed unless a Motion is filed making such a request and it is approved by the Court. Social distancing will be observed at all times. Witnesses shall be physically separated in the waiting areas or hallways outside each courtroom. If this is not possible due to the number of witnesses the Court may require witnesses to wait outside the courthouse until called on their cellphone to appear in court. Court security personnel will be provided with a docket of each day's cases which shall list the parties so they may inquire to the person's identity. Security will also ask other individuals wishing to enter whether they are a witness prior to granting access. The Judge, prior to calling the docket, will survey those individuals in the courtroom to ensure they are a party, lawyer, or a testifying witness. Anyone who does not meet these criteria will be required to exit the building immediately. Security shall be called and all non-qualifying individuals shall be escorted from the building. The same rule for admission to the courtroom shall apply in Cannon County and shall be conducted by security personnel prior to an individual passing through the metal detector at the entrance to the courtroom.

5. The Circuit Civil and Chancery Order of Protection dockets will be heard beginning the week of May 4th, 2020, on every Tuesday, Wednesday and Thursday in Courtroom 3C. The docket shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security. All social distancing rules otherwise referred to in this Standing Order shall apply.
6. Regarding divorces, *pro se* litigants are to contact Judy Reed, Divorce Coordinator, regarding the statuses of their cases after their sixty (60) day waiting period (divorces without children) or ninety (90) day waiting period (divorces with children). Judy Reed can be reached at (615) 848-5133. If corrections are needed in divorce filings Judy Reed will make contact with the Plaintiff after the applicable waiting period. This applies to attorneys, as well. There will be no in-person appointments until further notice from the courts.

C. Clerk & Master

a. Pendente Lite Hearings:

1. Special Master John Bratcher will continue to hear Pendente Lite hearings remotely by Zoom conferencing from his office.
2. Litigants and attorneys will be required to appear by Zoom just as if they were present.
3. Exhibits should be exchanged by attorneys prior to the scheduled hearing and be approved for entry just as they are as if they were present in the courtroom.
4. If exhibits are not exchanged prior to hearings, then the attorneys can share them electronically with the opposing attorney and the court.
5. Special Master's Reports may be submitted just as they are now, i.e., e-filed for Chancery cases and in paper for Circuit cases.

D. Child Support Magistrate

1. When feasible and to the extent possible, litigants may continue to participate in Rutherford County Child Support Court proceedings remotely, such as by teleconferencing, videoconferencing, or other means.

2. For matters that require an in-person hearing (such as those involving lengthy testimony, or when a party may be subject to incarceration), hearings may proceed in person, subject to social distancing guidelines and as set forth below.
3. In addition to any screening litigants may undergo upon entry into the building, further screening and direction will be provided on the Third floor as follows:
 - a. All court personnel will wear face masks and have hand sanitizer available at all times.
 - b. Litigants will be encouraged to cover their faces, to the extent possible and provided face masks, if available.
 - c. Hand sanitizer will be placed at check-in tables and the entrance and exit of the courtroom.
 - d. A check-in table (or tables, as necessary to ensure proper social distancing) shall be setup and clearly labeled outside the entrance to the courtroom, directing litigants to check-in with the judicial assistant or clerk outside the courtroom.
 - e. Tape or other signage will be placed on the floor to indicate where litigants should stand while waiting to check in, in order to keep appropriate distance between each person.
4. At check-in, litigants will be directed to:
 - a. The courtroom, if the matter is ready to be heard and space is available. Entry shall be staggered so that persons are not entering at the same time and breaching appropriate social distances. No more than ten (10) people will be present in the courtroom at one time, excluding the judge/magistrate, court personnel and court security.

OR

- b. An individual conference room (with staggered entry as above), where no more than three (3) people will wait at one time, until there is sufficient space in the courtroom,

OR

- c. Litigants will be instructed to return to their car after providing a phone number where they can be contacted to return for their hearing.
5. Only those individuals with a matter on the docket will be allowed into the courtroom. Witnesses will be directed to wait outside the building, unless and until they are contacted by phone to enter the building and report to the courtroom to offer testimony.
6. Upon entry into the courtroom, litigants will be instructed to wait in designated spots that are spaced at least six (6) feet apart.
7. Signage will be placed on seating in the courtroom to indicate which spaces are available for seating and which spaces must remain empty to ensure appropriate social distancing.
8. As each matter is called to be heard, litigants will be instructed to come forward at separate times.
9. Tape or other signage will be placed on the floor, at appropriate distances from each other, indicating where each litigant should stand. Litigants will be instructed to remain in such designated area until they are excused from the courtroom.
10. As each matter is concluded, litigants will be excused one (1) person at a time to ensure appropriate social distancing is maintained upon exiting the courtroom.

2. Rutherford County General Sessions Courts

A. General Sessions Criminal

The Rutherford County General Sessions Criminal Courts hereby order the following procedures during the reopening of the Courts and said Order shall remain in place until further Orders of this court:

1. Any person attempting to enter the Rutherford County Judicial Center shall be subject to all the requirements of the Rutherford County Sheriff's Office Court Security Procedures COVID 19 directive (See I (1). Rutherford County Judicial Center). Those failing to satisfy the Sheriff's criteria will be denied access and be given an alternative date in August (or later) to return. After a Defendant has gained access to the building and gone through security, the Defendant shall find the appropriate table with the respective alphabet for the appropriate courtroom. Each table shall have General Sessions Court

personnel to direct the Defendant to the appropriate courtroom. After ten (10) litigants are admitted into the respective courtroom, any remaining shall be told to come back at 11:00 a.m.

2. The court dockets shall be divided into three (3) separate dockets, and if necessary due to large quantity of cases, will be divided into four (4) dockets utilizing the jury assembly room when available. The criminal dockets shall be set using the last name of the Defendant as follows:

A – H - Courtroom 2D - Judge Eischeid

I - Q - Courtroom 2C- Judge Bennett

R - Z - Courtroom 2A - Judge McFarlin

If necessary the Courts will be split as follows:

A - F - Courtroom 2D - Judge Eischeid (ADA Tom Jackson)

G - L - Courtroom 2C - Judge Bennett (ADA Sheila Freeze)

M - R- Courtroom 2A - Judge McFarlin (ADA Jessie Scott)

S - Z - Jury Assembly Room - Senior Judicial Commissioner - Jake Flatt
(ADA Andrew Hazley)

The Assistant District Attorney assigned to that particular case shall be in the conference room outside his/her particular courtroom. Counsel representing Defendant shall discuss their cases in said conference room maintaining appropriate social distance from the A.D.A. The Defendant shall remain in the Courtroom until his/her case is resolved. Defense Attorneys shall discuss any offers by maintaining social distancing from their clients. The resolution area shall not be used for discussion purposes at this time.

3. Each Courtroom shall be limited to ten (10) persons at any given time, excluding the judge, court personnel and court security. They will be the first Defendants to come into the courthouse. Once that courtroom reaches its capacity, then the remaining Defendants shall be told to return to the courthouse at 11:00 a.m. The Defendant's will sit on the bench at the appropriate blue mark keeping his/her distance from others. **No family members or friends shall be allowed into the courthouse.**
4. Defense Attorneys shall file a Notice of Appearance when representing a Defendant. The Court will allow the first court appearance to be waived if the attorney of record files an

Agreed Order with the appropriate Assistant District Attorney setting a new court date. Said Orders shall be filed no later than 5 business days before the court date. The Court requests that new court dates be delayed until September/October unless the case is determined to be urgent.

5. All Preliminary Hearings shall be set by an Agreed Order which shall be filed five (5) business days before the court date. Said Order shall list all witnesses needed for said hearing in order to allow security to know who to allow in the building. The Court requests that no hearing be set before 12:00 p.m. on any given day to allow the courtrooms to clear. The Court will consider hearing cases earlier based upon exigent circumstances. Defense counsel shall be required to file a separate witness list if those witnesses are not listed on the Agreed Order to Set.
6. The Clerk of the Court shall provide Defense Attorneys with a copy of a warrant by scanning said warrant and emailing to said attorneys to alleviate unnecessary foot traffic in the courthouse.

B. General Sessions Civil

1. Staggered Rutherford County General Sessions Civil dockets will be held Monday, Tuesday, Wednesday and Friday each week at 9:00 a.m., 11:00 a.m. and 1:00 p.m. on each of those days.
2. Each Rutherford County General Sessions (Civil) docket shall be limited to seventy-five (75) cases per docket, however, each docket shall be limited to ten (10) persons at any given time in the courtroom, excluding the judge, court personnel and court security. No attorney or law firm shall schedule more than twenty (20) cases on any one docket. This applies to collection attorneys and firms who cover for other attorneys or firms. For example, if an attorney or firm is covering for multiple firms, the total number of cases, collectively, that the attorney or firm can have on any one docket is twenty (20). Again, regardless the of the number of cases, no more than ten (10) people will be admitted into the courtroom at any given time, excluding the judge, court personnel and court security.
3. No trials, special set or otherwise, will take place during this time period.

4. No minors allowed in the courtroom except by leave of Court.
5. Only attorneys, litigants and officers allowed in the courtroom. No friends, onlookers, or family support will be allowed during this time period.
6. “X”’s made with tape will be placed on the seating area in the courtroom by security at a minimum of three (3) to four (4) feet apart. Seating is only allowed on these designated spots.
7. Public courtroom doors are to remain open so as to minimize touching of surfaces, unless otherwise determined by the Court.

3. Cannon County Courts (General Sessions, Juvenile, Child Support)

The Cannon County Courts are conducting various dockets via ZOOM and will continue to do so at this time. The Courts will continue to follow social distancing recommendations, such as designating appropriate seating for litigants and attorneys and excluding the judge, court personnel and court security. Litigants and attorneys will be provided hand sanitizer upon entering the courtroom.

Beginning Tuesday, May 5th, 2020, all dockets (General Sessions or Municipal) shall be limited to ten (10) litigants at one time, excluding attorneys, staff and clerks.

4. Rutherford County Juvenile Court

A. Utilizing the Courtrooms and Hearings:

1. The Juvenile Court of Rutherford County is housed in its own building with ample parking close to the front door which consists of one lobby, two courtrooms (A and B) and one hearing room. Each courtroom only has one door in which the public can use. All other doors are secured and controlled by the Rutherford County Juvenile Detention Center.

2. Due to the limited size of the two courtrooms, during any hearing, only ten (10) individuals will be permitted in Courtroom A and Courtroom B. Those individuals will be, only attorneys, litigants, necessary staff and court officers. No friends, onlookers, minor children of parties or family support will be allowed. No other individuals would be allowed in the courtroom without leave of the Court.
3. All persons will be seated in designated places in the courtroom to ensure social distancing.
4. Each case setting will be limited to one (1) case.
5. Witnesses, if any, when called to testify, must be present on the premises. Each will be contacted and directed to the courtroom via text or phone by counsel or a party.
6. No trials, special set or otherwise, expected to take more than fifteen (15) minutes, will take place until further notice, unless arrangements are made by the parties and/or their respective counsel to conduct such trial(s) by video or other means.
7. All persons are encouraged to wear and utilize personal protection equipment (PPE).
8. Hand sanitizer and Kleenex will be available on all tables and on all benches in courtrooms/hearing room for all participants to utilize. Court officers are to prompt all individuals regarding the importance of social distancing while in the courtroom.
9. As to using the hearing room, after court staff and clerk of the court only four (4) additional individuals would be allowed in the hearing room without leave of the Court.

B. Court Staff:

1. On March 16, 2020 all Juvenile Court employees were advised by the Court of the County COVID-19 Policy. If experiencing flu-like symptoms or if they exhibited COVID-19 symptoms they were to leave the premises immediately and seek medical care and/or COVID-19 testing, per CDC guidelines. Prior to returning to work the employee must provide a clearance letter form their treating physician.
2. Additionally, each employee was given the Tennessee Coronavirus Public Information Line to call if any questions. Each employee was given documentation how to apply for FMLA paperwork for Covid-19.
3. Since that date all common areas in the courtrooms, hearing room, judicial offices and common area shared by court staff underwent a deep cleaning and that process is ongoing.

4. Court employees will continue following sanitation procedures at all times by the wearing of PPE gloves and masks which have been provided by the county. Court employees will also be responsible for making sure that both courtrooms and the hearing room are disinfected between each case and each witness which would include sanitizing the tables, podiums, benches and chairs.

C. Structure of Dockets:

1. The Magistrates and the Judge each have a docket every day, Monday through Friday at 9:00 AM and 1:00 PM. The types of court dockets vary from day to day and from Magistrate to Magistrate and Judge daily.
2. Due to the distance from our courtrooms/hearing room there will be an issue in maintaining confidentiality if the doors are left open due to the closeness of the lobby and rooms in most cases.
3. Delinquent/Status Plea Docket is held each Tuesday at 9:00 AM and 1:00 PM. The average case load on those days usually exceeds a total of one hundred (100), which require parents to be present, the petitioner, victims, district attorney, defense attorneys, YSO and state probation officers, and services providers. After the docket the court will take any reviews and all other cases are discussed in the lobby. However, the district attorney could discuss settlements prior to appearance, which would limit possibly the petitioners, victims and witnesses needed on those days. Those cases will be staggered so that each docket shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
 - a. In a delinquent case pending in which the respondent is eligible for a dismissal and expungement, notice could be given to the district attorney. If no objection is made then the dismissal and expungement would be entered without an appearance.
 - b. Delinquent trials on the merits or for restitution are held the first Thursday of each month with the average cases being twenty (20), depending on the type. Again, those cases would need to be staggered and notice would need to be sent to all involved and each docket shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security. Some trials involve status offenses and there is not attorney of record to assist in this matter.

4. Detentions are heard every Monday and Wednesday at 1:00 PM and Friday at 10:00 AM. First appearance dockets for youth arrested or cited and review of release to a parent is each Wednesday also at 1:00 PM. This allows any case that may qualify for any type of informal court services, assistance the parent might need, advises the youth of their rights, appoints counsel and advises of the next date which is a Tuesday plea docket. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
5. Motion dockets are held by each Magistrate/Judge has and those dockets usually contain twenty (20) plus cases. Those would need to be staggered every fifteen (15) minutes. All motions dockets are a mixture of pro-se litigants and those with attorneys. Of course, any agreed order being submitted is encouraged and acceptable. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
6. Termination hearings and any dependent/neglect hearings usually involve multiple parents, attorneys and witnesses. Those hearings are usually set for multiple days. Social distancing may be an issue in conducting these hearings due to restriction of the size of the courtrooms. Currently there are video hearings being conducted in these matters, primarily if some parents have surrendered or failed to appear after good service. We will continue to encourage those type video hearings. However, should there be the need for an in-person hearing, the docket shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
7. DCS permanency plan hearings and ratification hearings, which have strict compliance parameters, are heard twice a month. We have been and can continue to do these by video.
8. DCS also has a designated IPA first appearance hearing docket, where if parents are present and they qualify, are appointed an attorney. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
9. DCS Custodial and Non-Custodial temporary and final hearings. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
10. Child Support IV-D dockets are currently held at 9:00 AM and 1:00 PM each Tuesday and Thursday and Wednesday 9:00 AM dockets. The following is the proposed plan for those types of hearings:

- a. Rutherford County Juvenile Court IV-D cases will be set and heard on Tuesday, Wednesday and Thursday of each week in courtroom B of the Juvenile Court Building.
- b. The Tuesday and Thursday cases will be set and heard beginning at 9:00 a.m. (morning docket) and 1:00 p.m. (afternoon docket). Cases on the morning docket will be set and heard every fifteen (15) minutes until 11:00 a.m. (9:00, 9:15, 9:30, 9:45, 10:00, 10:15, 10:30, 10:45 and 11:00). Cases on the afternoon docket will likewise be set and heard every fifteen (15) minutes until 3:00 p.m. (1:00, 1:15, 1:30, 1:45, 2:00, 2:15, 2:30, 2:45 and 3:00).
- c. The Wednesday cases will likewise be set at fifteen (15) minute intervals beginning at 9:00 a.m. There will be no Wednesday afternoon IV-D docket. To the extent applicable, any bond hearings or other matters related to a party being held on an attachment will be specifically heard at 9:30 and/or 10:30 only (to accommodate the Sheriff's Department's transport deputies). The Court will continue to endeavor to restrict and minimize the jail population locally and the necessity of transporting inmates by entertaining *sua sponte* bond reductions and/or ROR releases.
- d. To the extent it may be absolutely necessary or applicable, inmates will be transported only one (1) at a time. Additionally, to the extent absolutely necessary or applicable, only one (1) inmate will be permitted in the holding cell at a time.
- e. The doors to courtroom B during these hearings are to remain open to minimize touching of surfaces, unless otherwise determined by the Court.
- f. An in-person hearings of this nature shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel, and court security.
- g. Child support IV-D Appeal Re-hearings are heard one day of each month at 9:00 AM. The average cases are five (5) to eight (8). Those would need to be set every thirty (30) minutes to one hour and notice would need to be set. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.
- h. Pro se Docket is each Wednesday is at 9:00 AM and 1:00 PM is a designated docket for all pro-se litigants who have filed a mixture of guardianship, D/N, custody, etc. The average amount of cases set on those Wednesdays is twenty (20) and all of those are in the hearing room and would have to be staggered with notice to all parties. These cases usually involve multiple individuals as well. Of course, these types of

cases present very unique challenges for any court. The Rutherford County Juvenile Court are committed to make sure they have equal access to justice. Each of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.

- i. Other hearings: (All of these dockets shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security).

Temporary custody and final hearings between non married parents

Modification of Parenting Plans

Visitation hearings between non-parents

Safe Baby Court

1. Foster Care Review Boards: Rutherford County has two (2) foster care review boards that meet twice a month. They have been cancelled currently and the court has suggested that another location be determined that is accessible for social distancing be located.

D. Recommendations to go forward:

1. Compliance with guidelines will not allow the Rutherford County Juvenile Court to go forward with the dockets as currently set, due to the volume of cases daily and the limited space in each courtroom and hearing room. To the extent possible the court will continue to conduct as many cases by video while protecting our mandated confidentiality.
2. Those individual trials set with attorneys would have a status conference by phone or video and inquire how they anticipate the hearing will be conducted.
3. The Rutherford County Juvenile Court will identify trials that will fit within the parameters set out for social distancing and go forward with in-person hearings where possible.

5. Municipal Courts

A. Murfreesboro Municipal Court

The Murfreesboro Municipal Court hereby orders the following procedures, for in-person court hearings, to be followed during the month of May of 2020, and thereafter until the Tennessee Supreme Court authorizes the return to unrestricted in person court appearances.

1. At such time as the Murfreesboro City Hall building is reopened to the public, all persons wishing to enter the courtroom for in-person hearings are encouraged to wear face masks and gloves.
2. The courtroom benches will be marked to indicate appropriate distancing once inside the courtroom. Only defendants will be allowed in the courtroom. Any and all others shall remain in their vehicles.
3. Only the first ten (10) Defendants will be allowed into the courtroom. All other Defendants will be shown to a queuing area in the rotunda where they may wait while maintaining proper distancing, or they may be asked for their name and phone number and requested to wait in their vehicle until called to court by the Clerk.
4. Until such time as the Murfreesboro City Hall building is reopened to the public, and thereafter, Defendants may appear for their scheduled court hearing by Zoom, if desired, or they may request that their case be rescheduled by the Clerk.

B. LaVergne Municipal Court

Beginning May 4, 2020, notices will be sent to all persons on the docket for LaVergne Municipal court on May 20, 2020 and May 27, 2020 regarding these procedures.

LaVergne Municipal Court on May 13th, 2020 will be cancelled. Cases will be postponed to a future date.

Regarding the May 20, 2020 and May 27, 2020 LaVergne Municipal Court Dates:

1. City Hall lobby will be closed to the public. Hand sanitizer will be available for anyone entering the building. Common surfaces will be cleaned and sanitized by staff members at a minimum of every hour.
2. Those persons on the docket will remain in their vehicles in the parking lot. A LaVergne Police Officer will call for small groups of five (5) or less and they will be escorted into city hall.
3. Masks will be required for anyone entering City Hall. Everyone will be encouraged to wear gloves. Everyone's temperature will be checked with a touch-less thermometer. Anyone who has a temperature above the CDC recommended limit will not be allowed in the court room. Everyone will be asked a series of questions as prescribed by the CDC to identify any symptoms of COVID-19.
4. Everyone must go through the metal detector prior to entering the court room. Personal property bins shall be cleaned and sanitized after each use.
5. Social distancing in the lobby is required and will be maintained by the Police Department. Social distancing in the court room will be maintained by spacing the chairs a minimum of six (6) feet apart.
6. Once a person's case has been heard, they will escorted out of city hall and will be required to go through the city hall drive-thru to make any payment that may be required.

Regarding the June 10, 2020 LaVergne Municipal Court date and following until the Tennessee Supreme Court authorizes the return to unrestricted in-person court appearances:

1. City Hall Lobby will be open. Hand sanitizer will be available for anyone entering the building. Common surfaces will be cleaned and sanitized by staff members at a minimum of every hour.
2. All persons will be encouraged to wear masks and gloves.
3. Everyone must go through the metal detector prior to entering the court room. Personal property bins shall be cleaned and sanitized after each use.
4. Social distancing in the lobby and in the courtroom is required and will be maintained by the Police Department. The Police Department will only allow a maximum of ten (10)

people in the courtroom at any given time, plus the judge, court personnel and court security. Everyone else will have to wait outside until someone leaves the court room.

5. Seating will be arranged to limit the number of people in the court room and the chairs will be separated at a safe distance from each other.

C. Woodbury Municipal Court

a. Building Access:

1. Hearings on traffic and city ordinance violations will be conducted at 956 W. Main St., Woodbury, TN 37190.
2. One (1) entrance/exit at the front of the building will be maintained for access by persons cited into court.
3. Upon approaching the building entrance, persons coming to court for a hearing will be met at the front door by a court officer who will administer a temperature scan with equipment provided by the Cannon County EMT Service. Those persons with a reading of 100.4 F or more will not be permitted to enter the building.
4. Prior to admittance, persons coming to court for a hearing will be given a mask. Hand sanitizer will be available in the hallway and must be used before entering the courtroom.
5. To ensure that social distancing guidelines are followed, only one (1) person at a time will be admitted to the building. Once that person is in the courtroom, another person may be allowed into the building.
6. Only people cited into court and their attorney will be permitted in the courtroom. All other persons, including witnesses, will be asked to remain in their vehicles outside the building. These people will be asked for a phone number and called by a court staff member when needed at the hearing. They will be subject to the same requirements of entry as those cited into court for a hearing.

b. Courtroom Configuration:

1. At any given time, there shall not be more than ten (10) persons in the courtroom, excluding the judge and court personnel. All persons, including the judge and court personnel, will be required to wear a mask.
2. To accommodate persons present in the courtroom for a hearing, chairs will be provided and placed in areas taped off to comply with the social distancing recommendation of six (6) feet. Accessibility to these areas will also comply with social distancing recommendations and be indicated by taped pathways.
3. A defendant-witness chair will be placed a minimum of six (6') feet from the judge's bench. The judge and court clerk will also be positioned at least six (6') feet from each other.

c. Procedures:

1. No court session or docket shall exceed ten (10) cases, after which the court will adjourn to permit the wiping down and cleaning of the courtroom and adjacent areas before recommencing and permitting other people to enter the building and courtroom.
2. Once persons cited into court are present in the courtroom and the calling of the docket begun, each cited individual will move from his or her assigned seating into a witness chair and shall be asked to enter a plea, after which a hearing will be conducted.
3. In order to avoid contact between people and risks associated with handling bills or checks, those persons wishing to plead guilty or who may be adjudicated guilty will be asked to mail a check or money order payable to the City of Woodbury within thirty (30) days and be informed of any consequences for failure to comply.
4. No papers, driver's licenses, writing implements, or other potentially contaminated items may be passed among persons cited into court, court personnel, or the judge.
5. In the event written proof of insurance, registration, or other salient printed or written evidence is proffered, the judge will request an oath or affirmation in court as to the correctness and legitimacy of the document and that the written proof be transmitted electronically to the court post-hearing.
6. The use of video evidence will be suspended.

These guidelines shall be effective beginning on the regularly scheduled hearing date of May 18th, 2020 and continue until further notice.

D. Eagleville Municipal Court

To protect the health and safety of every person who will be attending its Municipal Court during the COVID 19 Outbreak, the City of Eagleville, Tennessee has adopted the following guidelines, subject to the approval of the Presiding Judge of the 16th Judicial District and the Supreme Court for the State of Tennessee. The Eagleville Municipal Court holds court sessions once per month. Docket sizes for court session range from 20 to 40 participants. The upcoming schedule for court session is as follows:

May 12, 2020 - 6:00 p.m. (cases postponed until June 9)

June 9, 2020 - 11:00 a.m.

July 14, 2020 - 6:00 p.m.

August 11, 2020 - 11:00 a.m.

1. The Eagleville Municipal Court Room has an occupancy limit of thirty-two (32) persons. At no time will the total occupancy exceed ten (10) people at any given time, plus the judge, court personnel and court security.
2. The Courtroom will be sanitized prior to commencement of Court.
3. Hand Sanitizer will be available for all individuals that enter the premises.
4. All participants and staff will be asked to wear face masks. The City will not provide masks.
5. Any chairs for seating will be a minimum of six (6) feet apart.
6. As court participants arrive, they will be given a placard with a number on it. That placard will be hung on the participant's car window and they will be asked to return to their car. Once the judge is ready for that participant, they will be notified by staff that they may enter the building. There will only be one participant before the Judge in the building at a time. Up to two (2) persons waiting to pay any traffic fines will also be allowed in the building.

7. Before entering the building, the participant will be asked a series of questions as prescribed by the CDC to identify any symptoms of COVID 19. They will also have their forehead scanned for a temperature. Based on CDC guidelines, no one with a body temperature of 100.4 degrees F or higher will be allowed to proceed to court. They will be rescheduled.
8. Each participant will be documented by name and temperature, and that they successfully answered CDC advisory questions.
9. Clerical staff and the judge will be protected from face to face contact with plastic sheathing.

E. Smyrna Municipal Court/General Sessions Court

1. Defense Attorneys shall file a Notice of Appearance when representing a Defendant. The Smyrna Municipal Court will continue to allow first appearances to be waived upon filing of a Motion and Order. Said Order shall set a date for discussion and or/hearing in July or August of 2020.
2. All Bond forfeiture dockets will be conducted by telephone conference call. Bondsmen will be notified of date and time for hearing by the Court Clerk.
3. All preliminary hearings shall be set by Agreed Order. The date for preliminary hearing shall be obtained from the Court Liaison. Said Agreed Order shall list all witnesses intended to be called to testify.
4. Each docket shall be limited to ten (10) persons at any given time in the courtroom, plus the judge, court personnel and court security.

III. Clerks

1. Rutherford County General Sessions/Circuit/Juvenile Court Clerk

The Rutherford County Circuit and General Sessions Court Clerks will continue to operate with limited in-person interaction. The Clerks' offices will be accessible daily via phone, email and fax. The Clerks' offices will be open Monday through Friday from 8:00 a.m. until 4:15 p.m. There is a drop box at the Rutherford County Judicial Center and the Juvenile Justice Center for the convenience of litigants to continue to make payments or for filing any other documents.

Also, we have online payments via website at Circuitcourtclerk@rutherfordcountyttn.gov. We are accepting filings via fax and email.

In the Clerk's lobby areas, we will continue to practice social distancing and tape will be placed on the floor to follow the six feet apart rule. We have covered windows which protect the clerks from some germs.

The Rutherford County Circuit and General Sessions Clerks' offices will practice social distancing, wipe down work stations at 10:00 a.m. and 2:00 p.m., provide hand sanitizer, and place tape markings on the floor to help assist with the six (6) feet apart rule for the general public.

The filing of any Rutherford County Juvenile documents, obtaining documents, review of files and payment of costs shall be controlled by the Juvenile Court Clerk.

2. Rutherford County Clerk & Master

1. The Rutherford County Clerk & Master's Office will continue to process pleadings by e-filing, U.S. Mail, and fax with no charge for fax filings. The public will be encouraged to use these methods plus telephonic contact.
2. Paper pleadings without fees may be left in a drop box at the front door of the Judicial Center (unless the Presiding Judge allows them into the building) and will be scanned into the file and returned by mail as they are now.
3. Paper pleadings with fees may also be left in a drop box with a check, and the paper pleading with a receipt will be returned by U.S. Mail.
4. Persons other than Court or County employees will have limited access, if allowed in the building. The office will remain locked and a telephone number will be posted to allow the public to call into the office to request service.
5. If it is necessary for the public to enter the office, they would be allowed in one (1) person (attorney plus client) at a time.
6. The reception desk cubicles will have plastic shields to protect deputies from COVID-19 contagion.
7. Court employees will be required to wash hands after coming in from outside, court, or dining.

8. The telephone system will be updated to allow easy telephone communication from the outer hallway into the office.
9. The staff will be issued medical-grade masks and those employees dealing with the public will be required to wear them.

3. Cannon County General Sessions/Circuit

The Cannon County Circuit Court Clerk's office will continue to operate with limited in person interaction. The office will be accessible on a daily basis via phone at (615) 563-4461 on Monday, Tuesday, Thursday and Friday from 8:00 a.m. until 4:00 p.m. and Wednesday 8:00 a.m. until 12:00 p.m. The clerk's office will have a protection shield at the counter.

The office has a drop box for the convenience of litigants to continue to make payments. Also, payments may be made online via the website at courtfepay.com.

The Clerk's office is also accepting filings via fax at 615-563-6391, email at katinageorge.cannoncircuit@gmail.com and mail at 200 West Main Street, Woodbury, Tennessee.

4. Cannon County Clerk & Master

The Cannon County Clerk & Master's office will continue to operate with limited in-person contact. The office will be accessible by phone (615) 563-5936. The Cannon County Clerk & Master's office will operate Monday- Friday, 8:00 a.m. - 4:00 p.m., and Wednesday, 8:00 a.m. -12:00 p.m.

The Cannon County Clerk & Master's office is accepting filings by fax (615) 563-5936, e-mail: dana.davenport@tncourts.gov and by mail: Clerk & Master, 200 W. Main Street, Woodbury, TN 37190. Delinquent taxes can be paid online at www.cannonchancerypay.com.

IV. Standing Orders

1. Transportation of Prisoners into Rutherford and Cannon County Jails

The Standing Order issued by this Court on April 9th, 2020, regarding the transportation of prisoners into the Rutherford County Jail shall be incorporated into this Order, attached as Exhibit A. Additionally, Cannon County Jail is prohibited from accepting inmates from any

other penal facility including other county jails and TDOC facilities during the pendency of this Standing Order.

The provisions of the prohibition of transportation of prisoners into the jails of the 16th Judicial District shall remain in effect unless it can be shown to the Court that an emergency situation has arose that affects the Due Process and/or Constitutional rights of an inmate. In no event shall any inmate be transported into the jails of the 16th Judicial District without leave of Court.

2. Plea Hearings for Defendants Currently on Bond

The Standing Order issued by this Court on April 7th, 2020, regarding plea hearings for Defendants currently on bond shall be incorporated into this Order, attached as Exhibit B, with the following modifications:

Paragraph 8 of the Order shall be stricken in its entirety and replaced with the following language:

“Attorneys may contact the clerk’s office to set a change of plea hearing by audio/visual means. Such a hearing may be placed on a regularly scheduled docket.”

All other provisions of the Order remain in effect.

3. Pretrial Detention

The Standing Order issued by this Court on March 27th, 2020, regarding pretrial detention shall be incorporated into this Order, attached as Exhibit C.

It is SO ORDERED. This the _____ day of April, 2020.

Circuit Judge Barry Tidwell, Division III
Presiding Judge, 16th Judicial District

Exhibit A:

FILED

APR 09 2020

IN THE SIXTEENTH JUDICIAL DISTRICT OF TENNESSEE

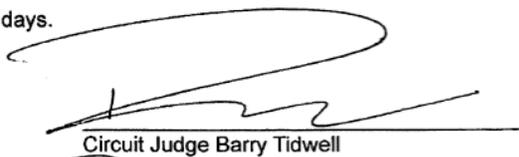
IN RE:)	
)	STANDING ORDER
COVID-19 PANDEMIC)	JUDICIARY SITTING <i>EN BANC</i>

O'CLOCK _____ M
 MELISSA HARRELL JSM
 DEPUTY CLERK

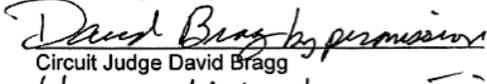
STANDING ORDER REGARDING THE TRANSPORTATION OF PRISONERS INTO THE RUTHERFORD COUNTY JAIL FROM OTHER COUNTIES AND/OR TDOC

Whereas the Tennessee Supreme Court has recently continued the suspension of in-person court proceedings and extension of deadlines until April 30, 2020. In response to the COVID-19 pandemic and for the health and safety of those affected by potential exposure in the Rutherford County Adult Detention Center (RCADC), it is ORDERED that no prisoner shall be accepted into the RCADC that has been transferred from any other penal facility including other county jails and TDOC facilities.

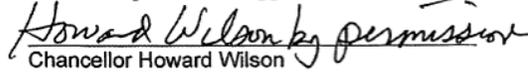
Further, all transportation Orders that are currently on file are set aside. Should there arise an exigent circumstance that requires an inmate's transport into the RCADC from an outside facility, the lawyer for that inmate shall file a Motion for Transport and shall facilitate the inclusion of the inmate at the hearing on the motion via audio/visual means. Further, should an inmate be transported into the RCADC, that inmate shall remain in quarantine, pursuant to Rutherford County Sheriff's Department policy, for a period of fourteen (14) calendar days.



Circuit Judge Barry Tidwell



Circuit Judge David Bragg



Chancellor Howard Wilson

Exhibit B:

IN THE SIXTEENTH JUDICIAL DISTRICT OF TENNESSEE

FILED
APR 07 2020

IN RE:)
)
COVID-19 PANDEMIC) STANDING ORDER
) JUDICIARY SITTING *EN BANC*

CYCLON M
MELUSSA HARRIELL
DEPUTY CLERK

STANDING ORDER REGARDING PLEA HEARINGS FOR DEFENDANTS CURRENTLY ON BOND

Whereas the Tennessee Supreme Court has recently continued the suspension of in-person court proceedings and extension of deadlines until April 30, 2020. While there are several exceptions to the suspension of in-person court proceedings, in general there is no exception for criminal cases that involve a defendant on bond who may otherwise be prepared to resolve his/her case and participate in a change of plea hearing.

In order to facilitate the movement of cases, while ensuring that core constitutional rights of the accused as well as the rights of victims are protected, the Judges of the 16th Judicial District exercising jurisdiction over criminal cases will implement the following rules and schedule to hear pleas involving defendants who are on bond and wish to resolve their case:

1. Microsoft Teams shall be the platform used to take a plea pursuant to this Order. The lawyer for the Defendant is responsible for initiating the video conference with the Court and the assistant District Attorney unless other arrangements are made prior to the plea hearing.
2. Pursuant to the schedule below audio/visual pleas will be set on the half-hour beginning at 9:00 am with the last plea scheduled at 12:00 pm.
3. Any audio/visual plea must be docketed with the clerk in the court in which the plea will be taken prior to the date of the docket.
4. All paperwork including the Petition to Enter a Guilty Plea and Judgment(s) shall be completed, signed and submitted (original) to the court clerk prior to the change of plea hearing.

5. The Defendant and defense counsel must be in the same location and defense counsel must be available for private consultation with the Defendant, should the need arise, during the change of plea hearing. The Defendant and the defense counsel do not have to be close enough to be in the same video frame and it is encouraged that the Defendant and defense counsel use separate electronic devices so that the spirit of the Order suspending in-person court proceedings is strictly followed.

6. The Assistant District Attorney may participate from the Courtroom or from a remote location such as a private office or conference room.

7. The Assistant District Attorney has the responsibility to make sure any victim wishing to participate via video has the capability to do so and the responsibility that any victim's rights are protected.

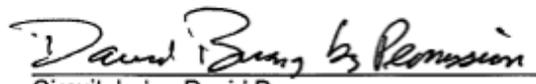
8. The following schedule for hearing a change of plea via audio/visual means will apply:

April 9, 2020 -	Judge Tidwell
April 13, 2020 -	Chancellor Wilson
April 15, 2020 -	Judge Tidwell
April 16, 2020 -	Judge Bragg
April 21, 2020 -	Chancellor Wilson
April 22, 2020 -	Judge Bragg
April 23, 2020 -	Judge Tidwell
April 27, 2020 -	Chancellor Wilson
April 29, 2020 -	Judge Bragg
April 30, 2020 -	Judge Tidwell

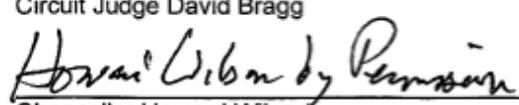
This will be a new experience for all involved and we thank you for your patience as we attempt to move forward with hearing cases in this manner.



Circuit Judge Barry Tidwell



Circuit Judge David Bragg



Chancellor Howard Wilson

Exhibit C:

FILED

MAR 27 2020

2:30
MELISSA MARRELL
DEPUTY CLERK

IN THE 16TH JUDICIAL DISTRICT OF TENNESSEE

IN RE: * STANDING ORDER
COVID-19 PANDEMIC * JUDICIARY SITTING *EN BANC*

STANDING ORDER REGARDING PRETRIAL DETENTION

The Tennessee Supreme Court declared a state of emergency for the judicial branch of Tennessee government in response to the COVID-19 pandemic on March 13, 2020, filing an Order suspending in-person court proceedings. That Order has now been extended until the close of business, April 30, 2020. The judiciary of this district has been monitoring developments related to the pandemic closely, in particular with regard to the impact of the pandemic on this district's jail population. The high population density of the local jails during the current pandemic poses a special problem not only for those incarcerated but also for the corrections officers, sheriffs' deputies, law enforcement officers, health care workers, and other professionals who regularly come in contact with inmates. The Judges of the 16th Judicial District, sitting *en banc*, find that it is necessary and appropriate to take the following extraordinary measures in recognition of this problem to balance the interests of justice with the interests of public health.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

BAIL FOR UNSENTENCED DEFENDANTS

A. MISDEMEANORS

- i. The Judicial Commissioners of Rutherford County shall continue the use of the Pretrial Release Risk Assessment tool to evaluate the appropriateness of setting a bond or releasing a defendant on their own recognizance and into the supervision of the pretrial release program for persons arrested for any non-violent misdemeanor

offense occurring within the 16th Judicial District after the effective date of this Order. The Judicial Commissioners shall comply with all provisions of the Standing Order Regarding Pretrial Detention in the 16th Judicial District, notwithstanding the parameters of the Pretrial Release Risk Assessment. Nothing in this Order is intended to limit the ability of the Office of the District Attorney General from filing a motion requesting that bail be required for a specific case.

- ii. That bail for non-violent misdemeanor offenses for which any unsentenced inmate is currently held in any jail within the 16th Judicial District is reduced to a release on recognizance (ROR). These inmates are to be released on their own recognizance pending further disposition of their cases. Each mittimus releasing the defendant shall include the defendant's next court date and be signed by the defendant. A copy of the signed mittimus shall be retained in the case file and a copy given to each defendant prior to their release.

B. FELONIES

- i. The Judicial Commissioners of Rutherford County shall continue the use of the Pretrial Release Risk Assessment tool to evaluate the appropriateness of setting a bond or releasing a defendant on their own recognizance and into the supervision of the pretrial release program for persons arrested for any felony offense occurring within the 16th Judicial District after the effective date of this Order. The Judicial Commissioners shall comply with all provisions of the Standing Order Regarding Pretrial Detention in the 16th Judicial District, notwithstanding the parameters of the Pretrial Release Risk Assessment. Nothing in this Order is intended to limit the

ability of the Office of the District Attorney General from filing a motion requesting that bail be required for a specific case.

- ii. That bail for unsentenced felony offenses for which an inmate has been determined to be indigent and is currently held in any jail within the 16th Judicial District be set according to the attached Schedule A. Nothing in this Order is intended to limit the ability of the Office of the District Attorney General or of any inmate or defense attorney to file motions requesting that bail be modified.
- iii. That bail shall be set according to the attached Schedule A for any felony offense occurring within the 16th Judicial District after the effective date of this Order, or for any felony offense alleged in an indictment remaining unserved after the effective date of this Order.

C. PROBATION VIOLATIONS

- i. The Judicial Commissioners of Rutherford County shall continue the use of the Pretrial Release Risk Assessment tool to evaluate the appropriateness of setting a bond or releasing a probationer on their own recognizance and into the supervision of the pretrial release program for persons arrested for any violation of probation (Misdemeanor, Felony, or Community corrections) within the 16th Judicial District after the effective date of this Order. The Judicial Commissioners shall comply with all provisions of the Standing Order Regarding Pretrial Detention in the 16th Judicial District notwithstanding the parameters of the Pretrial Release Risk Assessment, Nothing in this Order is intended to limit the ability of the Office of the District Attorney General from filing a motion requesting that bail be required for a specific case.

- ii. That bail be reduced to a release on recognizance (ROR) and that the same probationers be released on their own recognizance pending further disposition of their cases for any unsentenced violation of probation (Misdemeanor, Felony, or Community Corrections) arising from a non-violent misdemeanor or felony offense, for which the basis of the alleged violation of probation is as specified in Schedule A, and for which any inmate is currently held in any jail within the 16th Judicial District. Any mittimus shall include a notice of the probationer's next court date; be signed by the probationer and a copy given to the probationer and a copy of the signed mittimus filed with the appropriate court clerk. Any probationer released under this order is required to report to the appropriate supervising agency by 9:00 a.m. of the next business day following their release.
- iii. That bail shall continue to be set by the judge approving the warrant for all alleged violations of probation (Misdemeanor, Felony, or Community Corrections) other than those outlined in Schedule A.

D. CONTEMPT

- i. That bail for indigent inmates as evidenced by a properly completed and sworn to Affidavit of Indigency who are held in custody based on any allegation of criminal or civil contempt, other than the failure to appear for an alleged felony offense, is reduced to a release on recognizance (ROR) and the same inmates be released on recognizance pending further disposition of their cases.
- ii. That no bail be required for any person arrested on any allegation of criminal or civil contempt, other than the failure to appear for any alleged felony offense or violation of felony probation not otherwise eligible for own recognizance release.

iii. For all matters involving civil contempt of court for failure to pay child support:

1. Persons currently incarcerated based on a finding of contempt of court for failure to pay child support shall be afforded an expedited hearing to be conducted as soon as possible, and no later than April 1, 2020, to determine whether the current purge amount should be reduced or eliminated.
2. Persons currently incarcerated pursuant to attachment for failure to appear for a hearing as to whether they should be found in contempt of court, or pursuant to attachment under T.C.A. 36-5-101(f)(2), shall be afforded an expedited hearing, to be conducted as soon as possible, and no later than April 1, 2020, to determine whether the current bond amount should be reduced or eliminated.
3. Service of outstanding attachments for failure to pay child support shall be suspended until further notice. Should any such attachment nevertheless be served on a Defendant during the pendency of this Order, the bond on such attachment shall be eliminated by operation of this Order without necessity of further findings from the Court; Defendant shall be released on their own recognizance, pending further hearing. The date for such a hearing, as well as any necessary documents to secure the Defendant's release, shall be obtained through the Clerk of the applicable Court and provided to Defendant in writing at the time of their release.

E. HEARINGS

That all hearings regarding any dispute about bail may be conducted telephonically or by video conferencing, unless the Judge conducting the hearing orders the hearing to be conducted in person.

SCHEDULE "A"

Offenses Eligible for Own Recognizance Bonds

1. Non Violent Misdemeanors
2. Non Violent C, D, & E Felonies
3. Probation violations based solely on:
 - (a) any allegation of a positive drug screen or admission to use of any controlled substance;
 - (b) any allegation of absconding supervision for a period of four months or less;
 - (c) any allegation of the commission of a new misdemeanor offense other than domestic assault or driving under the influence;
 - (d) any allegation of failure to pay court costs, restitution, supervision fees, or any other payment required by the court as a condition of probation;
 - (e) any allegation of failure to complete any class or assessment; or
 - (f) any other allegation of a technical violation of the rules of probation, excluding the commission of a new felony offense or a new misdemeanor offense involving domestic assault or driving under the influence- second offense or higher.
4. All other offenses and revocations not set forth in 1, 2 and 3 above are to be set by the appropriate court.
5. This Order shall take effect immediately; however, it does not affect any persons who have previously been released on bond.

For purposes of this Schedule, a violent offense would be those offenses against the person set forth in T.C.A. 39-13-101 thru 39-13-533 and those against children as set forth in T.C.A 39-15-401, 402, aggravated burglary, driving under the influence (third offense or above), and all forms of domestic assault.

ENTERED: This 27th day of March, 2020.

JUDGES OF THE 16TH JUDICIAL DISTRICT







