

## **F. JUVENILE - DEPENDENCY**

### **1. EMERGENCY PROTECTIVE CUSTODY (EPC)**

EPC will be taken and approved by the Court in accordance with the Juvenile Act and Rules of Juvenile Court Procedure. The Court's established on-call EPC approval procedures will continue to be followed.

### **2. HEARINGS**

- a. Shelter Care Hearings -- ALL shelter care hearings will be conducted remotely using ACT.
- b. Other Hearings Before the Court – ALL other hearings scheduled before a Judge will be conducted in-person at the Courthouse, unless otherwise specified by the presiding Judge. Requests for use of ACT in hearings before the Court will be decided by the presiding Judge.
- c. Hearings Before the Hearing Officer – ALL hearings before a Hearing Officer will be conducted remotely using ACT.
- d. Frequency of Review Hearings – At this time, only six-month Review Hearings will be scheduled as of course. However, any party may file a motion for an early review.

\*NOTE: The idea at this time is to transition back to in-person Review Hearings in a safe, orderly, and systematic manner, and to reinstitute three-month review hearings when administratively and logistically possible. These issues will be discussed and recommendations will be made during the July and September 2021 Children's Roundtable meetings.

### **3. Procedures for Remote Hearings**

- a. ACT invitations will be sent to designated CYS personnel, the CYS solicitor, the Child's GAL (and where applicable the Child's attorney), designated personnel in the Public Defender's Office, any other parent/guardian attorney(s), and Court Administration/ assigned court reporter/recorder.
- b. As soon after the hearing and ACT are scheduled as administratively possible, CYS shall:
  - i. provide the date and time of the hearing and the ACT invitation (or call/log-in information) to parents/guardians and foster parents
  - ii. confirm that the GAL/child attorney and parent attorney received the date and time and call/log-in information

- iii. provide parents/guardians with contact information for their attorney, and vice versa; and
- iv. provide the GAL/child attorney with contact information for the foster parents and the children, and vice versa. CYS, the attorneys, and the GAL shall be responsible to provide the date, time, and call/log-in information for the hearing to their witnesses, including caseworkers.
- c. Participants shall use the ACT video option whenever possible, but the audio only option may be used if no video compatible device is available. In addition, parents/guardians may participate by “regular phone” if that is the only means of participation available to them.
- d. CYS shall take all reasonable steps necessary to ensure that parents have access to a phone or other device that will enable them to participate in the hearing.
- e. Exhibits:
  - i. Attorneys shall exchange exhibits electronically prior to the hearing. Attorneys and GALs shall exchange with each other the e-mail addresses at which they agree to receive exhibits.
  - ii. If a party wants to seek admission of an exhibit during the hearing, the exhibit must be sent to the presiding Judge’s administrative assistant, or the Hearing Officer when applicable, at the addresses set forth below, in advance of the hearing, through an e-mail marked **“high priority” with a subject line stating: “EXHIBITS for Dependency Hearing – [Insert DATE AND TIME OF HEARING]”**
    1. For Judge Mark, to Katy Case at:  
[kcase@monroepacourts.us](mailto:kcase@monroepacourts.us)
    2. For Judge Williamson, to Pam Herb at:  
[PHerb@monroepacourts.us](mailto:PHerb@monroepacourts.us)
    3. For Judge C. Daniel Higgins, to Claire Zimmerman at:  
[CZimmerman@monroepacourts.us](mailto:CZimmerman@monroepacourts.us)
    4. For Hearing Officer Weitzmann:  
[tww@weitzmannlaw.com](mailto:tww@weitzmannlaw.com)
- f. GALs/child attorneys shall speak with children prior to the hearing. Communications shall be by phone or other form of ACT. GALs/child attorneys shall confirm that the foster parents and children are aware of the date and time of the hearing and the ACT call/log-in information, and shall arrange for participation of the children, as appropriate.
- g. Parent attorneys shall speak with parents/guardians prior to the hearing and shall confirm that the parents/guardians are aware of the date and

time of the hearing and the ACT call/log-in information. Attorneys shall also obtain phone numbers for parents.

- h. The Court will make every effort to schedule hearings to allow the parties and attorneys sufficient time to meet the above requirements.
- i. Judicial Discretion for In-Person Hearings – Based on the unique needs or facts of a particular child, family, or case, the presiding Judge may in his or her discretion direct that any type of hearing be conducted in-person or in-person in combination with ACT. If an in-person hearing is ordered, all COVID-19 protocols in effect at the time of the hearing shall apply.

#### **4. MOTIONS**

- a. All motions will be addressed on a case-by-case basis.
- b. Move requests will be decided based on the Court's established motion procedure for placement moves.

#### **5. VISITATION**

The prohibition against in-person visitation is lifted. Visits shall presumptively be in-person unless visitation by ACT is ordered for a particular case or family by the presiding judge on his or her own motion or upon the motion and showing of good cause by one or more of the parties.

#### **6. TRANSITION PROCEDURES FOR TERMINATION OF PARENTAL RIGHTS (TPR) HEARINGS**

- a. Pre-Hearing Conferences – ALL pre-hearing conferences will be conducted by ACT.
- b. TPR Hearings – TPR Hearings shall be conducted in-person at a set date and time. The safety requirements, limitations, and procedures for all in-person proceedings conducted during the transition, including but not limited to wearing masks, maintaining social/physical distancing, bringing in witnesses as needed, and limitations of the number of persons in courtrooms, shall apply. In addition:
  - i. Children shall not appear except upon a showing of good cause and necessity **with the prior approval of the presiding Judge**. The parties are encouraged to discuss and agree to the use of ACT for the testimony or statements of children.
    - 1. If a child appears in-person with the approval or at the direction of the presiding Judge, the child shall testify or speak with the Court at the beginning of the hearing and

then will be excused. Thereafter, the child may listen to or observe the remainder of the proceeding by ACT.

2. The Judge may in his or her discretion set a separate date and time to take the testimony of or otherwise hear from the child at a proceeding at which only the presiding Judge, the GAL, and the attorneys of record are present.
  3. If the child does not appear but wishes to listen to or observe the hearing, arrangements for use of ACT for that purpose will be made. The GAL or child attorney shall advise the Court of such request at least three days prior to the hearing.
- c. Only essential CYS personnel shall appear.