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JIR Letter

Youth Courts and Response to the COVID-19 Emergency

Several judges have sought some guidance about how to conduct youth court proceedings amid this emergency. I will address the issues pursuant to the guidance provided by the Supreme Court's *Emergency Administrative Order-5* relating to the Coronavirus (COVID-19), hereinafter referred to as *Order-5* and other emergency orders of the court.

You are urged to limit in-person, courthouse contact as much as possible by utilizing available technologies to carry on the business of the court *{Order-5 (1)}*.

To the extent that those technologies cannot be utilized certain proceedings, number 3 of the order, provides that **certain hearings shall continue, specifically including shelter{3b} and detention {3c(5)} hearings**. The order includes any other emergency and time-sensitive matters {d}, in the discretion of individual judges.

I suggest that you make the findings related to "reasonable efforts to prevent removal" at the shelter hearings even in the absence of all parties and leave the order open for future modification. There is no federal prohibition to revisiting the finding upon further information. If there is no parent representative available, I suggest you charge the guardian ad litem to address the issue on behalf of the best interest of the child. If your GAL has limited training on this topic, I will supply, upon request, an informational Power Point.

Order -5 provides specific guidance to the conducting of these hearings. The order encourages and authorizes the judge to limit the gathering to no more than 10 people {11, CDC guideline} and encourages the CDC suggestions relating to social distancing.

Youth court hearings are subject to specific and rigid timelines, both federal and state. The timelines relating to shelter and detention hearings apply pursuant to *Order-5*. However, there are many other timelines which impact our work that are not of an emergency nature. Those timelines govern time to adjudication, disposition and later review and permanency hearings. I understand that the Council of Youth Court Judges will petition the court to provide relief from those timelines during the pendency of this emergency. Generally, I would encourage continuing adjudication, disposition, review, permanency, permanency and termination hearings unless they can be conducted in accordance with *Order-5(1)* or involve an emergency contemplated in *Order-5 (3)*. I trust the Children's Bureau will

make some emergency variation of their timelines to meet the demands of this outbreak. I am going to email this document to the Bureau for their information.

The court should by use of technologies referenced in *Order-5 {1}* to allow agreed reunifications with or without court hearing absent a known risk of spreading the virus.

Another issue that has arisen, is whether parent attorneys who have not received training through the OSPD are qualified to participate in these hearings. This issue has arisen because several counties are just beginning the program and have no certified attorneys pursuant to statute to provide these services and OSPD has postponed training due to COVID 19. The statute provides that those appointed to 5 or less cases in a year are exempt. Additionally, the statute provides that training is required within 6 months of the appointment. The OSPD has notified that they will reschedule training in September or soon thereafter. You may appoint attorneys to proceed with their representation. All such appointment should safely fall within those two exceptions. If this emergency approaches the six-month exception, we will address the matter further.

The order provides further information on prohibiting certain persons from entering the courthouse(room) to prevent the transmission of COVID-19. I am adding the link to the *Order-5* with this transmission for you review and study.

https://courts.ms.gov/appellatecourts/docket/sendPDF.php?f=700_491588.pdf&c=91465&a=N&s=2

Please be safe, practice social distancing and stay healthy.