

Dear Everyone,

Charleston and Berkeley County Family Courts are still receiving lots of calls about how to handle cases while COVID-19 remains a huge issue for the Lowcountry. In response, here are Judge Martin's (Charleston County) and Judge Landis's (Berkeley County) Memoranda regarding current Family Court protocols and procedures:

Charleston County:

State of South Carolina
The Family Court of the Ninth Judicial Circuit
Daniel E. Martin, Jr.
Judge
Charleston County Judicial Center
100 Broad Street, Suite 241
Charleston, SC 29401
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M E M O R A N D U M

To: Charleston County Family Court Practitioners
From: Judge Daniel E. Martin, Jr., CAJ
Subject: Virtual Courtrooms
Date: January 11, 2021

Dear Attorneys, Litigants and Friends of the Court:

As you know, the unrelenting pandemic has forced our Courts to adjust to provide the best and safest environment in which to continue our work. On January 6, 2021, Chief Justice Donald W. Beatty issued an order suspending most in-person hearings. You can use the link below to download his entire order:

<https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2556> [NOTE: This was sent to the listserve on Monday].

While the suspension is temporary, no one can predict how long it will be before we are able to resume normal operations. On December 16, 2020, the Supreme Court issued its Amended Order RE: Operation of the Trial Courts During the Coronavirus Emergency. You can also access that Order using the link below:

<https://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2550>

In light of these extraordinary circumstances, the Charleston Family Court will be adhering to different protocols until further notice. To be clear, all in-person proceedings in the Charleston County Family Court other than those outlined in the Chief Justice's order are suspended.

Therefore, all contested temporary and motion hearings in the Charleston County Family Court will be conducted by Virtual Courtroom. All contested final trials, evidentiary hearing or hearings allowing for the testimony of witnesses subject to cross examination will be continued. If exigent circumstances require that such contested trials or hearings go forward, the party or parties demanding such immediate disposition may file a motion which may be heard as an emergency and a hearing on the motion will be held by Virtual Courtroom. The Court will then determine whether the contested trial should be continued or whether such a trial can be conducted by Virtual Courtroom.

Regarding your Virtual Courtroom hearings, please serve the following notice (or similarly worded notice) on any unrepresented party in whatever manner you normally serve a summons and complaint, motion and/or notice of a final hearing.

This is NOT an in-person hearing; it is a VIDEO HEARING. If you wish to appear by video, you should contact the Attorney's office that served you these papers to provide them with a valid email address so that remote access to the hearing can be provided to you. Your email address should be provided as soon as possible and preferably no later than two (2) business days before the hearing. If you do not respond, the hearing can proceed in your absence. The email address for the Attorney is: (your email or your office email).

Special Instructions for Virtual Courtroom contested hearings:

1. You must get your documents/packets to the office of the Charleston County Clerk of Court no less than 24 hours before the scheduled motion or hearing, unless the Judge assigned to your case requests otherwise. Please keep in mind that the 24 hours time limit require that documents be filed with the Clerk's office on business days only between 9:00 a.m. and 5:00 p.m.
2. Regarding contested trials, including Rules to Show Cause, unless the assigned Judge requests otherwise, copies of all intended exhibits should be provided to the Clerk of Court's office 24 hours before the scheduled trial, along with a cover sheet numbered with each exhibit notifying the Judge whether the exhibit has been exchanged with the other side and if not, why not, and whether the admissibility of the exhibit has been agreed to. Again, keep in mind that the 24 hours time limit require that documents be filed with the Clerk's office on business days only between 9:00 a.m. and 5:00 p.m.
3. Please remember that, at the conclusion of your hearing, you are responsible for sending all of your original exhibits, admitted or proffered, directly to the court reporter. **DO NOT SEND YOUR ORIGINAL EXHIBITS TO THE JUDGE.** The Judge will not process original exhibits. Court reporters remain responsible for processing original exhibits. If you do not send your original exhibits, your record will not be complete.
4. While a client/witness is testifying, the person must be alone (unless cared for by another whose presence must be made known), must not have access to any digital device(s) except that which is being used to testify, must not send or receive texts or

phone calls, must not communicate in any manner with you or another person, and must not refer to notes or other papers to assist with answering a question, unless done so properly on the record. You are responsible for informing your client/witness of these rules. If it is discovered that a witness engaged in prohibited conduct or was in any manner coached during testimony, it could be grounds for a mistrial or other sanction in the discretion of the Court.

5. Please inform your client and/or witnesses that recording the proceeding or any part thereof is strictly prohibited and could subject them to sanctions in the discretion of the Court.

6. Dress codes remain in effect for all Virtual Courtroom hearings for counsel and clients/witnesses.

7. As you know, children are prohibited in the courtrooms, unless authorized by statute of the Court. Therefore, no children may be present or within earshot of the person testifying.

Please feel free to contact me or my office with any questions or concerns pertaining to this memo.

DANIEL E. MARTIN, JR.
Chief Administrative Judge

Berkeley County:

State of South Carolina
The Family Court of the Ninth Judicial Circuit

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JUDGE
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MEMORANDUM

To: Monica Waldron and Natalie Bluestein
From: Jack A. Landis, Chief Administrative Judge, Berkeley County
Subject: Berkeley County Family Court Operations to be distributed to the Berkeley and Charleston County Bar Members
Date: January 7, 2021

Per the Order of Chief Justice Beatty, dated 1/06/2021, clarifications from Court Administration, and detailed discussions with the Clerk of Court, Mrs. Leah Guerry Dupree, Berkeley County Family Court will continue as follows:

1. Starting January 11, 2021, Berkeley County Family Court will operate Monday through Friday from 9:00 a.m. until 5:00 p.m.
2. The drive-thru will be open for filings only Monday through Friday, 9:00 am to 4:00 pm. Drop bins will be at the front of the courthouse for your convenience from 9:00 am to 4:00 pm.
3. Beginning January 11, 2021, Berkeley County Family Court hearings will be Monday through Thursday from 9:00 a.m. until 5:00 p.m., however the last block of hearings each day will be set for 3:30pm, and on Friday from 9:00 a.m. to 12:00 p.m., until further notice.
4. The matters that the Court will hear in-person include DSS emergency protective custody, juvenile detentions, bench warrants, and emergency petitions for orders of protection from domestic abuse.
5. The matters that the Court will hear virtually include motions and uncontested hearings, and juveniles and bench warrants if available.
6. The Court will not be hearing any contested finals or rules to show cause at this time.
7. All DSS attorney appointment Orders are to go to Judge Creech, if possible and practicable, to avoid conflicts. Judge Creech may elect to execute those Order via electronic signature.
8. For in-person hearings, the maximum number of people allowed to enter the Courthouse will be up to 10 people, to include litigants, lawyers, and necessary witnesses. Witnesses will remain outside in their cars or on the benches outside of the Courthouse and will be allowed in only for the period of his or her testimony then excused from the Courthouse.
9. Child support enforcement hearings will be suspended until further notice.
Please direct any questions to the appropriate personnel, as we are all working hard to keep court running as smoothly as possible at this time. Thank you for your cooperation and understanding during these unprecedented times.

Best regards,
/s/ Jack A. Landis
Jack Alan Landis
Chief Administrative Judge
Ninth Judicial Circuit
Berkeley County Family Court
300-B California Avenue
Moncks Corner, SC 29461

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