

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
IN THE JUVENILE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

In the matter of:

Judicial Assistance from Juvenile Court

Administration and Procedure

REQUEST FOR JUDICIAL ASSISTANCE
CASE ASSIGNMENTS

In order to promote efficiency, minimize duplication of effort, and reduce consequent trauma to victims, and address increased and increasing caseload, the judges of the above courts have determined to request judicial assistance. Pursuant to O.C.G.A. §15-1-9.1(b)(2), the Judges of the Superior Court hereby determine that the business of said court requires the assistance of additional judges and request the assistance of the Judges of the Juvenile Court, and the Judges of the Juvenile Court agree as follows:

In all cases

The Judges of the Superior Court and Juvenile Court reaffirm the Mutual Request and Standing Order recorded on November 9, 2011, in Minute Book 192, Page 348. That Request and Order are specifically clarified herein to provide that any assistance sought and provided to the Superior Court pursuant to that Mutual Request and Standing Order shall be first sought and provided by the Juvenile Court Judges. All portions of the Request and Order remain in effect.

Due to the ongoing Covid-19 pandemic and the accompanying efforts to re-open in-person jury trials at the Courthouse the Judges of Superior Court request additional assistance in handling criminal pleas and revocations.

In matters involving family violence

Cases involving family violence, as the term is defined in O.C.G.A. 19-13-1, shall be assigned as follows:

All petitions to legitimate and petitions to establish paternity or support shall be assigned to the Juvenile Court Judges, except for those paternity or support actions initiated by the Georgia Department of Human Resources. In addition, all divorce, custody, modification, petitions for temporary protective order, and any other domestic cases related thereto in which there is the **coincidence of mutual children of the parties and allegations of family violence** shall be assigned to said judges. Cases wherein no violence is alleged **OR** wherein there are no mutual children of the parties shall remain assigned to the Superior Court Judges. Those not specifically assigned herein, shall remain assigned to Superior Court Judges.

Assignments under this order shall be presumptive but may be re-assigned between the Superior and Juvenile Court Judges, with or without motion of the parties, as the judges find appropriate to implement the goals of this order as stated herein and the ends of justice, and in accordance with U.S.C.R. 3.3. This Order should be interpreted to be in furtherance of, and not to circumvent, U.S.C.R. 3.2 concerning "companion and related cases." If a companion or related case has been previously heard (with taking of evidence) by a judge, the case should be assigned to that judge by the Clerk of Court to the extent practicable.

However, it is the duty of parties and/or counsel to review the judicial assignment and to make any motion to reassign **PRIOR TO THE DATE OF ANY SCHEDULED HEARING**. Upon failure to do so, the assigned judge may exercise discretion in continuing and transferring or not, taking into consideration whether granting such motion may cause undue delay or frustrate timely adjudication of the matter.

Juvenile Court Judges responding under this request shall preside as Superior Court Judges, and cases assigned under this order shall not be considered "transferred." Said Juvenile Court Judges shall continue to preside as Juvenile Court Judges in cases filed in the Juvenile

Court of Cherokee Court. All courts and respective personnel shall create forms, informal "dockets," and other systems and procedures to implement and further the goals of this order.

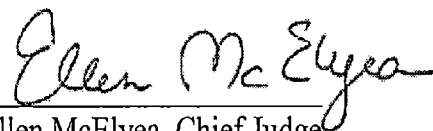
The implementation of this order shall be financed as directed by O.C.G.A. §15-1-9.1(j) and (h). This Order expressly supersedes the "Judicial Assistance from Juvenile Court" Standing Order of these Courts recorded on December 30, 2020, Minute Book 201, Page 2398 and any prior similar orders. This request for assistance shall be in addition to and shall not supersede any other existing "mutual requests for assistance" created for different purposes.

This request and order shall be in effect during the May, 2021, term of Superior Court, which shall commence on the second Monday of May, 2021, and conclude with the commencement of the September, 2021 term of Superior Court, or until further order, whichever is the lesser.

Case load and goals shall be continuously reviewed by the judges of the affected courts. This order is subject to being renewed at the commencement of each term, but shall lapse if not renewed. It is further provided that the judges of the affected court may withdraw from this request and order with one month's notice to the judges of the other affected courts.

The undersigned judges make and respond to this request pursuant to O.C.G.A. §15-1-9.1(c).
5/7/2021

SO ORDERED, on _____



Ellen McElyea, Chief Judge
Superior Court of Cherokee County
Blue Ridge Judicial Circuit



Jennifer Davis, Presiding Judge
Juvenile Court of Cherokee County
Blue Ridge Judicial Circuit