

July 2020

Newsletter



Roanoke City Juvenile & Domestic Relations Court

The Clerk's Office employs a group of dedicated people whose mission is to serve with integrity, professionalism, and compassion. We take our responsibilities seriously because we understand that justice is the mission of the court and the public has a right to expect the highest quality service we can provide.

For so long as Virginia's judicial system remains under a state of emergency, the Clerk's Office window will be closed for in-person business. Forms are available outside the Clerk's Office, as is a drop box for completed forms and filing fees. Appointments for in-person assistance may be made by calling the Clerk's Office.

Location: 315 W. Church Ave. S.W.
1st Floor
Roanoke, VA 24005-0986

Clerk's Office Hours:
Monday – Friday, 8AM – 4PM
Phone: (540) 853-2389
Fax: (540) 853-1195

Weekly schedule of the Court

Arraignments — Mon. - Fri., 8:30 AM

Detention Hearings — Mon. - Fri., 1:30 PM

Juvenile Arraignments — Thurs.- 9 AM

Civil Cases (Custody, Visitation and Support) — Mon., Tues., & Thurs., 9AM, 10AM, 2PM & 3PM

DCSE - Division of Child Support Enforcement — Mon. & Wed., 9AM, 10AM, 11AM, 2PM & 3PM

Adult Criminal — Mon - Thurs., 2PM & 3PM

Juvenile Delinquency — Mon & Tues., 9AM, 10AM & 11AM, Thurs. 10AM

DSS (Child Dependency Cases) — Mon. & Wed. 9AM, Tues. & Thurs. 9AM, 10AM & 11AM

Adult Protective Orders — Mon. & Wed. 10AM & 11AM

Truancy — Tues. 2PM & 3PM

Contested Cases — Fri. 9AM, 10AM & 11AM

Court Community Corrections (Show Cause) — 2nd Friday of each month 9AM, 10AM & 11AM

*Continuance Policy:

Ten day notice required for any continuance with both sides in agreement. Continuance in criminal cases must be cleared with the Commonwealth Attorney.

Community Resources

Sabrina's Place



an operating program of  tap
into hope

Sabrina's Place offers a safe haven for parents and children who have experienced domestic violence and need a safe place to stay or a neutral place to conduct supervised visitation. All services provided are free.

For more information, call (540) 777-3799 or complete a contact form at <https://tapintohope.org/program/sabrinasplice/>.



Roanoke office

132 Campbell Ave., SW
Suite 300

Roanoke, VA 24011

540-344-2080

Website – <http://brls.org>

Blue Ridge Legal Services, Inc. (BRLS) is a nonprofit charitable civil legal aid program providing free legal assistance in civil matters of critical importance to low-income residents of the Shenandoah Valley and Roanoke Valley.

BRLS is committed to eliminating poverty-based inequities in the civil justice system by providing high-quality legal advice and representation to low-income residents of our service area, folks who would otherwise be unable to obtain legal help due to their poverty.

“Law in the Time of Coronavirus”

Juvenile and Domestic Relations Court Newsletter

“But in the end it’s only a passing thing, this shadow; even darkness must pass”

- J.R.R. Tolkien

Life has looked drastically and unmistakably different over the past few months. Shopping centers have closed, bars and restaurants sit empty, and people on the street are wearing masks to defend against an invisible enemy. Even the Roanoke City courthouse looks different these days. This brave new world, while different and hard, does not permit us to quit but rather encourages us to push forward into an unknown but hopeful future.

The Roanoke Juvenile Domestic Relations Court exists to promote “the welfare of the child and the family, the safety of the community and the protection of the rights of victims.” Va. Code Ann. § 16.1-227. While things may look different during this global pandemic, our purpose remains the same. The JDR Court remains as committed as ever to the wellbeing of children, families, communities, and victims during this time. Rest assured, we may be changing our procedures, but we are not stopping our pursuit of justice.

During this time, it is important to look at the past, present and future of the Roanoke Juvenile and Domestic Relation Court to understand what and why we are making these changes and how those changes will affect you.

History

In the legal field, we all know the importance of a precedent. Normally, we are looking to see what courts have *said* on a matter in the past - however now we are looking to see what courts *did* in the past. COVID-19 is not the first instance of a pandemic interrupting legal proceedings, and the available history of the United States Supreme Court provides the best historical example of how courts operated during pandemics. The Supreme Court has on multiple occasions ceased operating due to local and global health crises. In 1793 and 1799 the Supreme Court fled Philadelphia (the Court’s home at the time) to avoid an outbreak of yellow fever. Congress formally gave the Court permission to adjourn or relocate the Court during health crises in the “Quarantine and Health Law Act” of 1799 (5th Congress, CXXVI, § 7 (1799) - fix cite - link).

This law was first used during the Spanish Flu of 1918 (the historical event most like COVID-19). First, the Court denied admittance to anyone but lawyers. However, as the pandemic spread, the Court decided to adjourn for about a month. Justice Oliver Wendall Holmes wrote, “We have been adjourned on account of the epidemic as it was not thought right to require lawyers to come, often across the continent, to a crowded and infected spot.” Oliver Wendall Holmes, *The Pollock-Holmes Letters*, 270 (Mark DeWolfe Howe, ed., 2015). Once the Spanish Flu began to wane, the Court was reopened and cases resumed.

Of course, the Supreme Court is not the only court system faced with deciding actions during a pandemic. For example, courts in Texas took a variety of measures to ensure the safety of the courts during the Spanish Flu. Bar associations, judges, and even jurors were crucial in deciding whether or not to close the courts. Stephen Pate, *Law in a Time of Pandemic: How Texas Courts and Lawyers Responded to the Pandemic of 1918-1920*. Texas Bar Law Blog (2020) Ultimately, state and federal courts nationwide were able to return once the Spanish Flu began to wane.

The Present

In 2020 we are far better informed and prepared than our legal peers in 1918. Because of the availability of information, U.S. Courts were able to quickly and efficiently adjust to the COVID-19 pandemic. In part, courts in Virginia were equipped with the Pandemic Influenza Bench Book for Virginia's Court System which was written "to ensure, in the event of a pandemic, that the Judicial Branch is able to fulfill its mission to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions." (Pandemic Influenza Bench Book for Virginia's Court System, Pandemic Flu Preparedness Commission, p. viii (2017)). Virginia courts could not have seen this particular event, but we were prepared for a pandemic scenario.

In March 2020, the changes began to be implemented in the Roanoke Juvenile and Domestic Relations Court after COVID-19 was declared a "judicial emergency" by the Virginia Supreme Court. Beginning on March 17, 2020, the courts in Roanoke, including the Juvenile and Domestic Relations Court, stayed open but suspended the vast majority of in-person proceedings (p.1). While cancelling all court dates would have been the safest option, we felt that continuing to hear as much as safely possible was in the best interest of justice. As Carl Tobias, a professor at the University of Richmond School of Law, notes, "When cases are delayed, justice for litigants can suffer, as memories can fade and evidence grows stale. Too much delay can lead litigants to settle cases prematurely, which may be unfair to them." Our pursuit of justice led us to limiting, but not entirely cancelling court during the pandemic.

One of the ways we were able to balance the competing interests of safety and justice was an increased reliance on technology. The Roanoke JDR Court, like federal courts, needed to "shut physical doors and open virtual ones" Courts Deliver Justice Virtually Amid Coronavirus Outbreak, U.S. Courts News, April 8, 2020. We are using video conferencing to contact residents at Coyner Springs, teleconferencing to connect to witnesses without internet access, and constantly looking out for new technology that will allow us to administer justice without risking the safety of any of the involved parties.

The technology is not perfected, as stated in *The Economist*, "the pandemic has amounted to an unexpected, months-long experiment into digital procedure." This has certainly been an experiment, but in the JDR Court early results are showing promise for use in a pandemic and even once the crisis is over if needed. We appreciate you going through this "experiment" with us, and would welcome feedback on how the technology has affected you during this time.

However, there are times when technology is either insufficient or undesirable. As of June 8, 2020, we began to hear non-essential cases in person once again. Even as we return to some semblance of normalcy, the courtroom looks very different due to the pandemic. If you have been in the JDR Court recently, you have undoubtedly noticed the ubiquitous presence of personal-protective masks. These masks are mandatory for the courtroom for all parties appearing before a judge (including, but not limited to, attorneys and clients). We have also provided hand sanitizing stations, increased signage, and limited seating in the courtroom to encourage social distancing. We are very happy to be back in the courtroom to serve the community, but we do ask that you help us by wearing masks, washing your hands, and practicing social distancing.

The Future

If 2020 has taught us anything, it is that you cannot guarantee what the future holds. We remain hopeful and confident that this pandemic will be over sooner rather than later (Dr. Anthony Fauci is

“cautiously optimistic” that a vaccine could be ready as early as Q4 2020). As we return to normal there will be some things that change entirely, some that revert back to pre-pandemic status, and still others that will remain as they are during this time.

Colin Rue, writing for the National Association of Counties, believes, “The changes we are making to enable online interactions will not reverse once the crisis ends. Once our justice system figures out how to move online, there will be no going back.” While we don’t entirely agree with Mr. Rue, it is important to remember that many of these experimental and necessary changes due to COVID-19 are teaching us how to best perform our duties. Video conferencing, for example, may be used regularly to interact with incarcerated individuals as it has proven to be a fair, easy, and safe way to communicate. Once again, your feedback as someone who has been involved with us during the pandemic would be greatly appreciated. Let us know what worked and what didn’t work so that we can learn what to keep going forward.

Ultimately, we don’t know what the future holds. We don’t know how long this pandemic will last or when life will return to normal (or even what that version of “normal” looks like). What we are most confident about in the future is that the 23rd District Juvenile and Domestic Relations Court will remain dedicated to “the welfare of the child and the family, the safety of the community and the protection of the rights of victims.” Va. Code Ann. § 16.1-227. We appreciate you working with us to ensure the swift movement of justice without sacrificing the healthy and safety of court employees.

Interview: Ms. Stacey Sheppard, Director of Housing and Human Services for Total Action for Progress (TAP)

Ms. Sheppard currently oversees TAP's Domestic Violence Services and Sabrina's Place Safe Exchange/Supervised Visitation Programs. She also does education and research in the area of domestic violence awareness (including leading a workshop for the clerks and interns in the Roanoke Juvenile and Domestic Relations Court). She can be reached at Stacey.Sheppard@TapIntoHope.org.

For anyone who is unaware, what is Sabrina's Place?

Sabrina's Place provides the region's only supervised visitation and safe exchange program. Sabrina's Place exists because there was a need in our community to have a place where people in co-parenting situations can have contact with their children without needing to have any contact with the other parent. We're there so that families don't have to have the potential to have another episode or instance of abuse and violence.

Where is Sabrina's Place located and what services does Sabrina's Place provide?

Sabrina's Place is located at 20 Kirk Avenue SW, Roanoke, VA 24011. Sabrina's Place provides two main services in our facility: our "supervised visitation program" and our "safe-exchange program."

Our "supervised visitation program" allows a non-custodial parent to have an hour to visit with their child (sometime more time is allowed if the circumstances suggest that would be appropriate - such as a parent coming in from out-of-state). It's really meant to be a time where that non-custodial parent or that non-custodial guardian can come in and just play and and try to connect with the child. It's not meant to be an interrogation about what the other party did last week or the weekend or who they were with, or it's just meant to be a good connection and play time. To that end, no guests can bring in phones or cameras are allowed; we want to focus the time on building the relationship between a non-custodial parent/guardian and their child. Likewise, the entire session is in the presence of a trained monitor who oversees the meeting and ensures that there's no coercion or intimidation or harm to the child.

Our "safe exchange program" is the other main service provided at our downtown facility. The "safe exchange program" allows parents to use our facility to exchange physical custody of the children without ever seeing the other parent. When parent's exchange children for visitation purposes, they are often using parking lots at 7-Eleven and Walmart and Sheetz, but a lot of times, those exchanges can get very heated. So we provide our facility, with trained professionals, to facilitate the exchange so that there is no further harm or threats or innuendos or coercion.

And all of these services are free and confidential. So I always encourage folks to use them and they don't have to be court ordered. People are welcome to contact us directly about using these programs without needing a court order.

Is Sabrina's Place still open during COVID-19?

We have never closed. Because of the Coronavirus we have had parents that have not wanted to come in that have reduced their amount of services and reduced the amount of visits. And we had some parents that even suspended their visits for a while. But we have never closed our doors.

And while I'm talking about closing our doors, over the last three years we have lost a great deal of federal funding and people hear that and get concerned that we might be closing. But we have thought really hard to keep our doors open and we continue to serve. The community has really rallied behind us to help keep our doors open, including the Virginia Department of Social Services and they have ensured for now that we will continue to stay open. So no, we're not closed, we are stable, and we're serving as many people as we possibly can.

What, if anything, is different because of the pandemic?

We've definitely put some safety precautions in place; the biggest difference is that we require people using our facility to wear a mask. And that's about safety, but it's also in compliance with the governor's order. It's really about the safety of everyone, including our staff, that we want to keep well so that they can continue to provide the services that we're providing. But that's really been the only thing thus far; safety measures are pretty stringent for what we do anyway.

We are also screening folks when they come in to make sure they are symptom-free. If the number of positive cases continues to increase in the Roanoke Valley, we will probably start taking temperatures. We're not doing that yet but we are prepared to do that if necessary.

Even prior to COVID-19, every room and toys and doorknobs and chairs and everything were already sanitized after every visit. The only thing we're really doing differently now is when a room is used and children use toys we actually remove those toys from the room to clean and we don't let them just put them back into the room for play and then we rotate new toys into the room.

So that's a little bit of a different process for us. But because of the amount of families that we serve and some of those families are immune compromised any way, we're really careful about our cleaning methods and we always have been. That's not new for us. We've always been stringent as far as keeping the facility clean and as germ-free as possible.

Have you noticed an increase in domestic violence cases?

Our numbers have doubled for TAP's domestic violence services. We have seen a huge increase in folks calling for services, seeking services for domestic violence. Partially, because we've done a really good job of letting people know they don't have to stay home with their abusers.

We all know quarantine is hard enough, but can be much harder to be quarantined with your abuser for a long period of time. Before people could get out and they could take a little bit of a break and have a small piece of solace at some point. But now with quarantine, it's been much harder. A lot of people have finally just sought services from us because they've reached their breaking point. And they're just they want to get out and they have.

But what's happened with a lot of those folks is they have nowhere to go. Shelters are full now or have Coronavirus quarantine procedures that are unfeasible for some people. So we are having to, for the first time in TAP's history, be a shelter agency. We are not historically a shelter agency. We are a response and crisis intervention agency. We provide legal advocacy, crisis intervention, that 24 hour hotline, case management, referrals, mental health. But now, for the first time in 45 years we are having to do shelter.

If so, why do you think the JDR Court has not seen an increase in reported cases?

We get a ton of folks that just don't want to pursue legal proceedings. They don't want to get protective orders. They don't want to go through the legal process. They don't want to get charges. They just want to relocate and they just want a fresh start. And I would say that's probably about 75 percent of our clientele.

Our numbers are nowhere close to the numbers that you all have in the courts because our folks just don't want to be part of a legal process. Some of them have been through bad legal experiences with the courts. I could tell you some pretty horrible things that have been said to domestic violence survivors as they go through the legal process. And when you experience those sort of things, your tendency is not to lean on the courts for assistance. Your tendency is to lean on an advocate or someone else and not go through that process. So that's why you guys probably don't see the amount of clients that we do.

What can people do to help support the community and Sabrina's Place during this time?

Honestly, the most important thing is funding. So if anyone knows of funding opportunities or grants or wants to apply for a V-STOP grant or anything on our behalf, we would greatly appreciate it. Funding is the key for us keeping our doors open: it costs about \$120 per visit, per hour for us to operate. Now that includes the cost of staff, facilities, and utilities. It's not cheap for what we do, so funding is important.

Another thing people can do to support our mission to let people know that we're here. Let people know we exist and rally behind us so that we can keep our doors open because we don't want to close. We want to be here for the community.

Finally, we always need attorneys that are willing to do some pro bono cases for our DV clients. If an attorney would be willing to do just one pro bono case a year for our DV clients that would make me very happy to help folks, because the legal services are so terribly expensive for some of our survivors.

Helpful Links



Forms related to cases in the Juvenile and Domestic Relations Court can be found at:

<http://www.courts.state.va.us/forms/district/jdr.html>

Want to stay up to date with cases decided throughout Virginia?

Find them at:

<https://valawyersweekly.com>

— Newsletter designed and composed by Juvenile and Domestic Relations Court interns Ben Rigney and Nathan Seidel