Court News ...

2021-01-08-01

The Supreme Court of South Carolina

RE: In-Person Proceedings in Circuit, Family, Probate, and Master-in-Equity

(As Amended on January 8, 2021)

ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

I find that since March 2020, the COVID-19 pandemic has required unprecedented changes to ordinary court operations throughout the state. These changes have impacted not only judges, attorneys, and court staff, but also those who use the courts.

I further find that in light of the ongoing increase in COVID-19 cases throughout South Carolina, and the expectation by the medical community and experts that the number of positive cases will continue to increase in the near future, it is prudent to once again make changes to the operations of the circuit, family, probate, and master-in-equity courts for the protection of those who work within the courts, as well as those who use the courts. Based on the foregoing,
All in-person proceedings statewide beginning on or after January 11, 2021 are hereby suspended until further Order of the Chief Justice, subject to the limited exceptions outlined below:

- Circuit Courts statewide may hear in-person emergency matters including, but not limited to, matters relating to Bonds and Bench Warrants.
- Family Courts statewide may hear in-person emergency matters including, but not limited to, DSS Emergency Protective Custody, Juvenile Detentions, Bench Warrants, and Emergency Petitions for Orders of Protection from Domestic Abuse.
- Probate Courts statewide may hear in-person emergency matters including, but not limited to, matters related to Guardianship and Conservatorship.
- Other exceptions as approved by the Chief Justice.

If an in-person proceeding is held, attorneys, parties to the matter and any necessary witnesses must take direction from the Clerk of Court, or his or her designee, prior to entering the courtroom or hearing room.

In order to minimize continuances and promote the efficiency of the South Carolina courts, judges who are required to quarantine shall continue to hold hearings remotely so long as they are asymptomatic. Quarantined judges shall coordinate with the Chief Administrative Judge where they are assigned to make any necessary adjustments to the dockets of individual judges in an effort to reduce the impact of their quarantine within the affected judicial circuit. Chief Administrative Judges shall advise Judges' Scheduling at Court Administration of any scheduled hearings that were continued due to COVID related quarantines.

Nothing in this order should be construed to prohibit conducting hearings and non-jury trials by remote communication technology as outlined in the Supreme Court's Order RE: Operation of the Trial Courts During the Coronavirus Emergency (As Amended December 16, 2020). Where possible, the use of remote communication technology to conduct proceedings is encouraged.

This Order shall remain in effect until amended or rescinded by Order of the Chief Justice. Any Order allowing the resumption of in-person proceedings will be issued at least two weeks prior to the affected date to allow time for scheduling.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
January 6, 2021
As Amended January 8, 2021