



Supreme Court of Appeals State of West Virginia

News

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Supreme Court Extends Judicial Emergency To Reduce In-person Proceedings Throughout W.Va. Due to Coronavirus

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CHARLESTON, W.Va. – In order to continue efforts to limit potential exposure to the COVID-19 virus, the Supreme Court of Appeals of West Virginia has extended and revised its previous Administrative Order which now declares a Judicial Emergency from March 23, 2020, through May 1, 2020, in all fifty-five (55) counties throughout West Virginia.

“As our fellow West Virginians continue to take steps necessary to ensure the health and safety of their families, courts throughout our State are also adapting to meet this challenge through telephone and video hearings,” said Chief Justice Tim Armstead. “The measures we have already taken and those we are taking today are designed to protect our fellow West Virginians by avoiding in-person proceedings whenever possible and using technology to keep the crucial, time-sensitive work of our courts moving forward.”

The revised Order, issued today, limits those hearings that will take place during the judicial emergency period to certain specific “emergency proceedings” which are, to the extent possible, to be held via telephone or video conferencing.

Other time-sensitive proceedings that are considered “non-emergency” but are nonetheless necessary to avoid serious harm that would likely result if the matter was not resolved during the emergency period may also be held, but only if such hearings can be held via telephone or video conferencing and the parties mutually agree to proceed with no party offering a reasonable objection to holding the hearing.

Pursuant to the April 3, 2020 Order, the following directives regarding judicial proceedings are to be followed through May 1, 2020:

- All jury trials are postponed until after May 1, 2020.
- Emergency proceedings required to protect the immediate health or safety of a party or the community will still be held, **preferably by video conferencing or telephone**, and will not be delayed or extended. The Court has suspended certain rules and restrictions to allow many hearings to proceed by telephone and video conference. These emergency matters that may be held during the emergency period are those relating to:
 - Domestic Violence
 - Child Abuse and Neglect (1) upon the initial removal, (2) where there is imminent threat to the health or safety of a child, or (3) a non-contested final disposition where family reunification is anticipated

- Infant Guardianship
 - Physical custody cases involving an imminent threat to the health or safety of a child
 - Juvenile detention or placement in state custody
 - Criminal Initial Appearances
 - Bond Hearings
 - Search Warrants
 - Criminal Preliminary Hearings
 - Mental Hygiene
 - Matters initiated by public health or governmental officials to enforce orders related to the COVID-19 crisis
- Hearings, **by telephone or video conferencing only**, in time-sensitive “non-emergency” proceedings which are necessary to avoid serious harm that would likely result if the matter was not resolved during the emergency period may also be held, with the mutual agreement of the parties, which agreement shall not be unreasonably withheld.
 - Except those proceedings authorized to take place under the Order, all other proceedings otherwise directed to take place during the emergency period of March 23, 2020 through May 1, 2020, are stayed and will be rescheduled to a date subsequent to May 1, 2020, by the presiding officer.
 - Deadlines set forth in court rules, statutes, ordinances, administrative rules or otherwise that are set to expire during the period from March 23, 2020, through May 1, 2020, are extended to May 4, 2020. Deadlines relating to the emergency matters set forth above will **not** be extended or delayed.
 - Only those deadlines, statutes of limitations, and statutes of repose **that are set to expire** during the period from March 23, 2020 through May 1, 2020, will be extended to May 4, 2020.
 - To the extent use of technology such as video conferencing and telephonic proceedings does not impermissibly infringe upon the Constitutional rights of a party or litigant, such resources should be used in the emergency matters to eliminate the need for in-person hearings or proceedings.

The order, as well as all judicial documents relating to COVID-19, can be found on the West Virginia Judiciary website: <http://www.courtswv.gov/covid19/COVID19.html>.

The Supreme Court of Appeals is continually monitoring developments related to the COVID-19 outbreak and will assess the need to modify or extend the Judicial Emergency Order as circumstances warrant.

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