

## APPENDIX C: MISSION CRITICAL AND ESSENTIAL FUNCTIONS

### I. CIRCUIT COURT

#### A. Mission Critical Functions

1. Conduct emergency (time sensitive) hearings (includes administrative support functions associated with hearings such as processing of all necessary paperwork, managing financial matters).

Examples include, but are not limited to, the following:

- a. Adult protective services – emergency order (63.2-1609)
- b. Criminal cases with speedy trial issues
  - Adults (19.2-243) (In custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
  - Juveniles
    - Transfer- Speedy trial rights attach upon the juvenile court's finding of probable cause in a preliminary hearing (16.1-269.1, 19.2-243)(Juvenile in custody - commence trial *within five months* from probable cause finding; Not in custody - commence trial *within nine months* from probable cause finding)
    - Appeal of a transfer decision where the juvenile is in secured detention (16.1-269.6 (B)) (*Hearing on the merits must be held within 45 days of filing the appeal*)
- c. Guardians/conservators – Appointment (64.2-2001- jurisdiction) (64.2-2007 - hearing) (64.2-2014 Notice and distribution of order - *next business day*)
- d. Injunctions (8.01-620)
- e. Isolation orders
  - Public health significance
    - Appeal (32.1-48.04)(*Priority over all other pending matters, except those under appeal pursuant to 37.2-821, and shall be heard as soon as possible*)
  - Public health threat
    - Review (32.1-48.012)
    - Appeal (32.1-48.013)(*Within 48 hours*)
- f. Judicial authorization of treatment (37.2-1101, includes appointing an attorney)(*Expedited hearing following appointment of an attorney*)
- g. Judicial denial of authorization for abortion appeal (16.1-241(W))
- h. Mandamus (17.1-513)
- i. Mental Health

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- Involuntary admission to an inpatient facility, mandatory outpatient treatment or certification order appeal (37.2-821) (*Filed within 30 days of the order and shall be given priority over all other pending matters and heard as soon as possible*)
  - Forward copies of orders to CCRE 37.2-819
    - Order for involuntary admission (*as soon as practicable but no later than the close of business on the next following business day*)
    - Order for mandatory outpatient treatment (*prior to the close of that business day*)
    - Temporary Detention Order (19.2-169.6 and 19.2-176)
  - j. Protective orders
    - Emergency protective order
      - Family abuse (16.1-253.4)
      - Stalking, sexual battery and acts of violence (19.2-152.8)
      - Forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-253.4 and 19.2-152.8)
    - Protective order in pending cases of divorce, custody, support or visitation (20-103 (B))
      - Forward the order as soon as possible to law enforcement for entry into CCRE (20-103 (D))
    - Appeal of protective order
      - Family abuse (16.1-279.1) (*Precedence on the docket over other civil appeals 16.1-296 (F)*)
      - Stalking (16.1-106, 19.2-152.10)
      - Upon issuance, forward an attested copy of the order to law enforcement forthwith for entry into CCRE (16.1-279.1 and 19.2-152.10)
  - k. Quarantine orders
    - Review (32.1-48.09)
    - Appeal (32.1-48.010) (*Within 48 hours*)
  - l. Voter registration denial - Appeal (24.2-422) (*precedence over all other business of the court and shall be heard as soon as possible*)
2. Conduct bond hearings and appoint counsel (as needed) for defendants in custody (includes administrative support functions such as docketing and processing necessary paperwork and managing financial matters (19.2-158))
- a. Appeal from order denying bail or fixing terms of bond or recognizance (19.2-124)
- Note: videoconferencing should be used, if possible.
3. Conduct arraignments (includes administrative support functions such as docketing and processing necessary paperwork (19.2-254))

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Note: videoconferencing should be used, if possible.

4. Provide interpreter services as needed
  - a. Civil cases (8.01-384.1:1 (non-English speaking); 8.01-384.1 (deaf))
  - b. Criminal cases (19.2-164 (non-English speaking); 19.2-164.1 (deaf))Note: Utilize telephonic interpreter services where appropriate
5. Process all incoming time sensitive documents received by mail, fax or over the counter (includes processing of all necessary paperwork and managing financial matters)

Examples include, but are not limited to, the following:

- a. Civil pleadings (17.1-129 – date and time received must be stamped or marked)
  - b. Election results (24.2-668 (Retention of pollbooks, paper ballots and election materials), 24.2-802 (Procedure for recount))
  - c. Fees collected by clerk (17.1-275)
  - d. Land records (55-96, 17.1-223 – time and date stamp)
  - e. Probate taxes and fees (58.1-1712, 58.1-1715, 58.1-1718)
6. Secure and maintain records (17.1-209)
  7. Secure funds received (17.1-211)
    - a. Deposit state monies into State Treasury (2.2-806 (B))
  8. Maintain systems (automated and manual), personnel, technology and communications (telephone, email, internet) necessary to support continuance of operating functions

**B. Essential Functions**

1. Resume daily dockets and case processing functions for civil and criminal cases
2. Manage financial matters, including but not limited to the following:
  - a. Assessment of fines/costs - 19.2-336
  - b. Collections 19.2-349
  - c. Notices to pay – issuance of (46.2-395)
  - d. Observe sound accounting practices (daily bookkeeping duties, deposit, investment and payout of funds (58.1-3177), reconciliation of accounts)
  - e. Preparation of statements and reports (17.1-283, 19.2-390, 19.2-336)
  - f. Setoff Debt Collection Act (58.1-520 et seq.)
  - g. Unclaimed property (55-210.9:2; 55-210.12 by November 1 of each year)

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3. Process probate matters (64.2-443 and 64.2-444)
4. Record, index and scan land records
  - a. Entries in index (17.1-249) (*daily*)
  - b. Index of recorded instruments (55-96) (*daily index- daily; general index - within 90 days after admission to record*)
  - c. Record writings (17.1-223)
5. Manage juries (8.01-343 through 8.01-363)
6. Process civil and criminal appeals
  - a. Court of Appeals (Rule 5A:10) (*as soon as possible after notice of appeal is filed*)
  - b. Supreme Court of Virginia (Rule 5:13) (*as soon as possible after notice of appeal is filed*)
7. Submit reports to other agencies

These reports include, but are not limited to, the following:

- a. Adoption - VS-21 (32.1-262 – *on or before the 10<sup>th</sup> day of the month*)
  - b. COIN (Constitutional Officers Information Network) – submission of salary and expenses to Compensation Board (*by the 10<sup>th</sup> of each month*)
  - c. Deeds of partition/conveyance of land (58.1-3303 – *before the 15<sup>th</sup> of each month*)
  - d. Divorce - VS-4 (32.1-268 – *on or before the 10<sup>th</sup> day of the month*)
  - e. Incapacity adjudications (64.2-2014) (*next business day*)
  - f. Marriage license (32.1-267(D)) – *on or before the 10<sup>th</sup> day of the month*)
  - g. Notary report to Secretary of Commonwealth (47.1-9 – *within 14 days of qualification*)
8. Process miscellaneous activities, including but are not limited to the following:
    - a. Appoint ministers (20-23) and others to perform marriage rites (20-25)
    - b. Concealed handgun permits (18.2-308)
    - c. Marriage licenses (20-14)
    - d. Military Discharge Papers - record (17.1-265)
    - e. Notary qualification (47.1-9)