

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

ADMINISTRATIVE ORDER

Because of the rise of numbers of Covid-19 cases in Logan County, and after consultation with the Logan County Health Department, as evidenced by a copy of a letter dated July 31, 2020, from Livia N. Cabauatan, M.D., Physician/Director, attached hereto, the undersigned, pursuant to authority granted by Article VIII, Section 6 of the West Virginia Constitution and West Virginia Code §2-2-2, ORDERS that the Circuit Court of Logan County, the Logan County Circuit Clerk's Office, and the Magistrate Court of Logan County are closed for business as of 8:30 a.m. on August 3, 2020, until the further order of the Court, subject to the following:

1. No in-person hearings or trials shall be held in Circuit Court except for emergencies or situations where constitutional rights will be violated or hearings are required to protect the immediate health or safety of a party or the community; remote hearings may be conducted.
2. Very limited emergency procedures involving the Logan County Circuit Clerk's Office that are required to protect the immediate health or safety of a party or the community, specifically, domestic violence, child abuse and neglect only upon the initial removal or where there is an imminent threat to the health or safety of a child, infant guardianship, physical custody cases involving an imminent threat to health or safety of a child, juvenile detention or placement in state custody, posting of criminal bonds, search warrants, mental hygiene, and matters initiated by public health

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officials to enforce orders related to the Covid-19 crisis shall be allowed; applicable time deadlines and time limits on cases are extended until the expiration of this order.

3. Magistrate Court shall have a magistrate on duty to handle all emergency matters including the following: (1) Abuse and Neglect cases involving removal or imminent danger; (2) criminal arraignments or criminal hearings with statutory time requirements; (3) filing of domestic violence petitions; (4) juvenile delinquency or abuse and neglect involving initial removal from the home for placement with a State Juvenile Service or DHHR facility; (5) posting of criminal bonds; (6) search warrants; (7) mental hygiene; (8) any filing alleging adult abuse and seeking placement for an alleged abused elder; (9) adult financial exploitation cases, and (10) any emergency matter where a constitutional right will be violated; time limits are suspended until August 17, 2020.
4. Matters involving Drug Court clients and Day Report shall be left to the discretion of the probation officer.

The Clerk is directed to forward a copy of this order to the Administrative Office of the West Virginia Supreme Court of Appeals, Family Court Judges, Magistrates, Magistrate Clerk, Chief Probation Officer, and President of the Logan County Commission.

Entered this 3rd day of August 2020.



Eric O'Briant, Chief Judge

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LOGAN CIRCUIT CLERK

Logan County Health Department

300 Stratton St., Room 203

Logan, West Virginia 25601

Livia N. Cabauatan, M. D

Physician/Director

304-792-8630

Fax: 304-792-8635

July 31, 2020


Honorable Eric O'Briant
Chief Judge
7th Judicial Circuit
300 Stratton Street
Logan, WV 25601

Dear Judge O'Briant,

Positive cases of COVID 19 are continuing to increase rapidly in Logan County. Positive cases from March 18 – June 21 totaled 21. Positive cases from June 22 – July 30 total 119. We are currently at 140.

For the safety of the employees and the citizens of Logan County, it is the recommendation of the Logan County Health Department that the Logan County Courthouse return to emergency services only.

Sincerely,


Livia N. Cabauatan

Physician/Director

County Health Officer