



State of South Carolina
The Family Court of the Fifteenth Judicial Circuit

Jan Bromell Holmes
Judge

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MEMORANDUM

To: All Attorneys Practicing in the Fifteenth Circuit Family Court
From: Jan B. Bromell Holmes
Subject: WebEx Remote Hearings and the Operation of Family Court During the Coronavirus Emergency
Date: April 7, 2020

Greetings to Everyone:

Thanks for your overwhelming reception and response to WebEx. Judges Norton, Buckhannon and I realize that this may be intimidating to some who are unsure if you can adapt. Well we have and we're excited to offer this option to you to expedite finality with your cases. As Judges we are the host and control the platform. All of the work is done on our end, so it is not as menacing as you may imagine. We are willing to assist you in getting familiar with WebEx. Please contact anyone of us and we'll be happy to do a trial run at any time.

We're sure that most of you have reviewed The Supreme Court of South Carolina Order addressing "Operation of the Trial Courts during the Coronavirus Emergency" dated April 3, 2020, of which I am attaching for your reference. Please note that the Order provides additional guidance to the Family Court for operation during this pandemic. I met with Judges Norton and Buckhannon and we have decided that we will continue to hear the following cases by WebEx, **unless specifically noted otherwise**.

1. Uncontested divorces. The moving party shall attend. The non-moving party may appear by affidavit or certification by submission of Non-Appearance Affidavit or Certification. If financial conditions of the parties are before the Court, then in compliance with Rule 20 of the Family Court Rules, financial declarations shall be filed and submitted to the Court. **Please note for good cause shown, a party may comply with the provisions provided in the Supreme Court Order with respect to granting an uncontested divorce without holding a hearing.**

2. Approval of Agreements (including Mediated Agreements). Submit the agreement along with your hearing request so that the Court reviews same prior to the scheduled hearing. If financial conditions of the parties are before the Court, then in compliance with Rule 20 of the Family Court Rules, financial declarations shall be filed and submitted to the Court. Please note that the parties don't have liberty to waive compliance with this rule. It is the Court's responsibility to determine the reasonableness and fairness of the agreement based on the parties' financial condition. **Please note that a party may comply with the provisions provided in the Supreme Court Order with respect to Approval of Settlement Agreements and Consent Orders without a Hearing.**
3. Uncontested Adoptions.
4. Name Changes. The moving party shall comply with the provisions of South Carolina Code of Laws Title 15, Chapter 49.
5. Pendente Lite/Temporary Motions: Please note that we will now set temporary motions provided that all parties are represented by counsel. The following guidelines apply;
 - a. The opposing party shall have been served with the Summons and Complaint at least five days prior to submission of the Motion request.
 - b. Submit your motion request to the scheduling clerk in **WORD** format. Please provide the email address for all attorneys in the appropriate section.
 - c. Once the Clerk has set your Motion date and time, file and serve a clocked copy of all affidavits (not to exceed 16 pages); financial declarations; temporary hearing background information; proposed parenting plan; and, any exhibits on the opposing party. The same documents shall be provided simultaneously to the presiding judge via email no later than the time of your scheduled Motion.
 - d. Each party shall have 24 hours to notify the presiding judge as well as opposing party of any objection(s) to the opposing party's submissions.
 - e. No additional documents will be accepted after this submission, unless specifically requested by the presiding judge.
 - f. The presiding judge will review all submissions and contact you if a hearing will be scheduled by WebEx prior to the ruling in the matter.

Please note that, with the exception of temporary hearings, only uncontested matters will be heard by video conference. The emergencies will continue to be heard as requested and scheduled.

PLEASE NOTE THAT WE ARE NOW SCHEDULING ALL HEARINGS, WHETHER SCHEDULED BETWEEN MARCH 16 AND MAY 1. IF YOU HAD A HEARING SCHEDULED DURING THIS TIME, PLEASE NOTE YOUR ORIGINAL HEARING DATE AND YOUR REQUEST WILL RECEIVE PRIORITY.

THE FOLLOWING ARE STILL THE GUIDELINES OF WHICH WE WILL ADHERE IN THE FIFTEENTH CIRCUIT WITH RESPECT TO WEBEX/VIDEO CONFERENCING.

REQUESTING WEBEX UNCONTESTED HEARINGS:

Your hearing request shall be sent in **WORD** format. We will only schedule hearings where all parties (including self-represented litigants and attorneys agree to participate in the hearing via WebEx. Please note that no consent is required for parties that appear by affidavit or certification waiving their appearance. This means that you should not send any request for a hearing to be scheduled via WebEx until you have discussed it with all attorneys of record and all pro se parties **AND RECEIVED THEIR CONSENT TO REQUEST THE HEARING.**

In Georgetown:

If you wish to request a motion or a hearing via WebEx, you need to email the request to the Scheduling Clerk, Mrs. Cindy Howard at choward@gtcounty.org. Please copy all attorneys of record and all pro se parties.

In Horry:

If you wish to request a motion or a hearing via WebEx, you need to email the request to the Scheduling Clerk, Krystle Church (churchk@HorryCounty.org). Please copy all attorneys of record and all pro se parties.

WebEx requires an email address for inclusion in the video conference. So please note that your request includes the names and email addresses of all participants. If your client or your witness will be at a separate location from you, then their name and email address must be included in the request. The Court will generate the invite to the hearing, and can only include those people that were listed on your request. This will require you to communicate with opposing counsel or the opposing pro se party **prior** to sending the request to ensure everyone is correctly listed.

SCHEDULED HEARING TIME:

Please note that hearings will be set in 30 minute intervals. In addition, please be on time for your hearing or risk having to request a new hearing date and time, of which you will **NOT** receive priority. This process moves slower, so we can't allow one attorney or party to frustrate the schedule.

Prior to the hearing date, it will be necessary for participants to have access to WebEx on their electronic devices (computers, cell phones, laptops). A witness may use the same electronic device as a litigant. Go to <https://www.webex.com/>

Please note that this is an ever evolving undertaking for us all. We will make adjustments as we work out the glitches. We are still committed to moving forward and working on one accord: for we are still in this thing together. Stay healthy and stay safe!

*Jan B. Bromell Holmes
Chief Administrative Judge
Fifteenth Judicial Circuit Family Court*