



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

Jan B. Bromell Holmes
Judge

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MEMORANDUM

To: All Attorneys Practicing in the Fifteenth Circuit Family Court
From: Jan B. Bromell Holmes, Chief Administrative Judge
Subject: Operation of Family Court beginning May 4, 2020 through June 12, 2020
Date: April 29, 2020

Greetings to Everyone:

I'm sure most of you have had the opportunity to review Chief Justice Beatty's Memo dated April 24, 2020 concerning "Court Operations During the Six Week Period May 4 – June 12, 2020" of which is attached. What probably stands out most in your mind is that "Judges will return to handling as much of the previously scheduled dockets within their circuit as is practical. In doing so, judges shall adhere to the guidance set forth in the April 22, 2020 order of the Supreme Court."

Please understand that we are still operating under a public health emergency. The terms of court for the next six weeks are not canceled. However, if you have a scheduled hearing on the docket from May 4 through June 12, 2020, there is no guarantee that the hearing will proceed as scheduled. WebEx is still our preferred platform of operation at this time. If you desire for a scheduled hearing to proceed by WebEx, then please comply with the provisions in requesting a WebEx hearing. If you are unsure as to the status of your hearing, then please contact the presiding judge for direction. If the presiding judge is a visiting judge, then please contact the Chief Administrative Judge for direction.

Please be reminded that the Judges are the WebEx host and control the platform. We are willing to assist you in getting familiar with WebEx and strongly encourage you to contact us to do a trial run prior to your actual hearing date to ensure that your devices are equipped for the WebEx hearing. We are now making some exceptions to the WebEx hearings. Prior to explaining the exceptions, I will reiterate and refine the cases that Judges Norton, Buckhannon and I will continue to hear by WebEx, **unless specifically noted otherwise.**

1. Uncontested divorces. The moving party and witness shall attend. The non-moving party may appear by **AFFIDAVIT OR CERTIFICATION** by submission of Non-Appearance Affidavit or Certification. **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). At the time you receive notice of your hearing Judge, submit the agreement by email to your hearing Judge so that the agreement is reviewed **PRIOR TO** the 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 **PRIOR TO** the hearing and preferably at the time that your agreement is submitted. Please note that the parties don't have liberty to waive compliance of 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 continue to hear 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. Please note that the Clerk will set a **SUBMISSION** date and time for your documents. This is different than what you are accustomed, but these unprecedented times requires such. This date is **NOT** your WebEx hearing date.
 - d. Once the Clerk has set your **SUBMISSION** 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 **SUBMISSION DATE AND TIME**.
 - e. 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.
 - f. No additional documents will be accepted after this submission date and time, unless specifically requested by the presiding judge.

- g. **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 CONSENT IS NOT REQUIRED, if the court deems a WebEx hearing will be scheduled,**
- h. **Please also note that opposing counsel need not CONSENT to the motion being filed or the SUBMISSION date and time. This time is scheduled by the Court and not by the request of any party. If you are protected on the date and time of your submission, then please submit your documents prior to the submission date and time.**
- i. **You may contact the assigned judge with any questions concerning same.**

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.

EXCEPTIONS TO HEARINGS HELD BY WEBEX

1. Please note that if you have a final hearing scheduled from May 4, 2020 through June 12, 2020 of which the Defendant was in default prior to March 16, 2020 and you have served the Defendant with notice of an **IN PERSON** Final Hearing pursuant to Rule 17, we may upon proof of same, make an exception to the hearing being held by WebEx. You are required to notify me of same **ASAP** so that it is determined if the matter can proceed in person and assigned to the appropriate Judge.
2. Agencies such as the Department of Social Services and the Juvenile Division of the Solicitor's Office have assigned court days in the Fifteenth Judicial Circuit. These attorneys have received their court dates through the end of June, 2020. **If the agencies are prepared to go forward with their dockets, please contact me to determine who the assigned Judge is for those dates. You will in turn contact the Presiding Judge and (s)he will instruct you on how you will proceed on the scheduled dates.**

IN PERSON HEARINGS

In compliance with the Supreme Court's Amended Order dated April 22, 2020, only if a judge determines that a hearing cannot be conducted adequately using remote communication technology and the matter involves an emergency or other circumstances warranting immediate determination, will an in-person hearing be conducted. If an in-person hearing is conducted, only attorneys, the parties, and necessary witnesses will be allowed to appear. The total number of participants should not exceed ten (10) people. Hearings must be staggered to minimize the number of people appearing at the same time.

SCHEDULED TRIALS

Please contact me to determine the status of any trials scheduled during this time period.

365 DAY CASES

On March 17, 2020, Chief Justice Beatty granted a ninety (90) extension for all family court cases which are subject to be dismissed pursuant to the 365 Day Rule. There is no need to file a Motion to Extend 365 day cases, unless your case will exceed the 90 day extension.

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

REQUESTING WEBEX HEARINGS:

Please note that consent IS NOT required to request a WebEx hearing.

Your hearing request shall be sent in **WORD** format. 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. Please note that it is not required that the attorney, client and witness be present in the attorney's office.

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.

In Georgetown:

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

In Horry:

If you wish to request a Motion/Submission 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.

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). **Please ensure that the device that you are using has a camera and audio prior to your scheduled hearing.** As stated, contact your assigned Judge's office and we will be more than happy to do a trial run prior to your scheduled hearing. A witness may use the same electronic device as a litigant. Go to <https://www.webex.com/>

It is not humanly possible to address or envision every scenario that we may encounter during these next six weeks. That is why we implore flexibility on your part as we deal with circumstances on a day to day basis. If there are unresolved questions or issues, feel free to contact us for this is an ever evolving undertaking. We ask that you continue to be patient, cooperative and exercise professionalism with us and with each other. We look forward to beginning the "new" normal of court operations. Stay healthy and stay safe!

Jan B. Bromell Holmes
Chief Administrative Judge
Family Court, 15th Judicial Circuit