

## **2.7 Telephone and Video Conferencing**

**2.7.1 Telephone conferencing.** The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings in civil actions by telephone conference with attorneys for all affected parties. The trial judge may specify:

(A) The time and the person who will initiate the conference;

(B) The party which is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and

(C) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

### **2.7.2 Video-conferencing**

(A) At the discretion of the court, any Juvenile Court matters may be conducted by video-conference with the following exceptions:

1. Formal adjudicatory hearings on Petitions alleging the delinquency or unruliness of a child; and

2. Hearings alleging the violation of a juvenile court protective order which may result in the loss of liberty of the person alleging to have violated the protective order.

Notwithstanding any other provisions of this rule, a judge may order a party's personal appearance in court for any hearing. Furthermore, in civil matters transferred from the superior court to the juvenile court, the court may require compliance with Uniform Superior Court Rule 9.2.

(B) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all delinquency, unruliness and traffic offense proceedings, the child and his or her attorney shall be provided with a private means of communications when in different locations.

(C) Witnesses. In any pending matter, a witness may testify via video-conference.

1. Any party desiring to call a witness by video-conference shall file a notice of intention to present testimony by video-conference.

a. For a proceeding that occurs prior to the filing of the petition, the notice shall be provided as soon as practicable before such proceeding.

b. For a ten-day adjudicatory hearing, notice shall be provided at least five (5) days prior to the hearing.

c. For a hearing regarding the termination of parental rights, notice shall be provided at least fifteen (15) days prior to the hearing.

d. For all other proceedings, notice shall be provided at least ten (10) days prior to the proceeding.

2. Any other party may file an objection to the testimony of a witness by video-conference within three (3) days of the filing of the notice of intention if the child is in detention or within five (5) days of the filing of the notice of intention otherwise. In a delinquency or unruliness matter, such objection by the child shall be sustained; however, such objection shall act as a motion for continuance and shall toll the applicable time limits; furthermore, no such continuance or tolling shall exceed ten (10) days from the date of the objection if the child is in detention or thirty (30) days from the date of the objection otherwise.

3. The court may modify these requirements upon a showing of good cause. The discretion to allow testimony via video-conference shall rest with the judge.

(D) Recording of Hearings. A record of any proceedings conducted by video-conference shall be made in the same manner as all such similar proceedings not conducted by video-conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(E) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;

2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceedings, either by video, facsimile, or other method;

3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and

4. If the proceeding is one from which the general public may not be excluded as provided by O.C.G.A. §15-11-78(b), the location from which the judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. In any such case, the court shall accommodate any request by interested parties to observe the entire proceeding.