

# COVID-19 PANDEMIC OPERATING PLAN FOR THE JUDICIARY

## EDWARDS, KIMBLE, MASON, MCCULLOCH AND MENARD COUNTIES

Recognizing the need to ensure the health and safety of courthouse officials and staff, attorneys, litigants, clients, service providers, delivery staff, visitors, and other individuals entering buildings where administration and proceedings are conducted by the 452<sup>nd</sup> Judicial District and the County and Justice Courts of Edwards, Kimble, Mason, McCulloch and Menard Counties, the Local Administrative District Judge for said counties hereby implements the following protective measures as directed by and pursuant to Texas Government Code Section 74.092, Covid-19 Emergency Orders issued by the Supreme Court of Texas and Texas Court of Criminal Appeals, and Texas Office of Court Administration Guidance.

### • General

1. This Operating Plan complies with the requirements of Texas Government Code Section 74.092, Covid-19 Emergency Orders issued by the Supreme Court of Texas and Texas Court of Criminal Appeals, and Texas Office of Court Administration Guidance.
2. Each elected and assigned judge shall comply with all Emergency Orders issued by the Supreme Court of Texas and the Texas Court of Criminal Appeals (specifically including those related to conducting in-person proceedings) and all guidance issued by the Texas Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
3. Each elected and assigned judge shall use all reasonable efforts to conduct proceedings remotely.
4. The local administrative district judge will maintain regular communication with the local health authority and each of the county judges, and will modify this operating plan as necessary.
5. Judges may begin setting non-essential, in-person proceedings no sooner than June 1, 2020.
6. This Operating Plan applies inside buildings on days when in-person court proceedings are conducted.
7. Bailiffs and courthouse security are authorized to enforce all provisions of this plan, and may refuse entry or evict anyone who does not comply.

### • COVID-19 Security Levels

1. **Level 1:** No active cases of Covid-19 in the county within the prior thirty day period.
2. **Level 2:** Five or less active cases of Covid-19 in the county within the prior thirty day period.
3. **Level 3:** Six or more active cases of Covid-19 in the county within the prior thirty days.
4. Each requirement of this plan applies at all times unless expressly stated otherwise.
5. The security level for each county shall be determined by the Local Health Authority, or in the absence thereof, the Regional Public Health Authority. The authority shall communicate the security level to the local administrative district judge and county judges on the first and fifteenth of each month, or upon request.
6. The security level may be increased by the county judge, but never lowered to a level below that set by the authority.

• **Health Concerns for Courthouse Officials and Staff**

1. Courthouse officials and staff who are able to remotely perform essential duties will do so when possible.
2. Upon legitimate notice that a person with a confirmed case of COVID-19 entered, the county judge shall restrict entry to and procure sanitization of that building.
3. Courthouse officials and staff are advised to seek medical attention and are not permitted to enter if they:
  - a. exhibit symptoms of Covid-19, influenza, or the common cold including fever, cough, shortness of breath, difficulty breathing, chills, repeated shaking with fever, muscle pain, headache, fatigue, sore throat, loss of taste, loss of smell, diarrhea, vomiting, or myalgias;
  - b. have measured sustained body temperatures equal to or greater than 100.0°F; or
  - c. have had close contact with a person who is confirmed or probable positive for COVID-19.
4. When inside, courthouse officials and staff shall:
  - a. have the right to wear approved face masks;
  - b. wear approved face masks as directed by their supervisor or the county judge;
  - c. comply with social distancing recommendations; and
  - d. follow appropriate hygiene recommendations.

• **Screening**

1. The following screening procedures are mandatory at **Level 2** and **3**, discretionary by the county judge at **Level 1**, and discretionary by any judge on the day they hold hearings.
2. All exterior doors shall be locked with the main entry door controlled at all times by courthouse security.
3. Other than courthouse officials, staff and other county employees, all persons entering the building shall check in with courthouse security, providing their name and county of residence.
4. Inmates shall be screened at the county jail prior to transport.
5. Courthouse security shall:
  - a. wear personal protection equipment in conformity with Center for Disease Control guidelines;
  - b. note a person's time of entry and exit;
  - c. deny entry to persons who:
    - i. exhibit symptoms of Covid-19, influenza, or the common cold including fever, cough, shortness of breath, difficulty breathing, chills, repeated shaking with fever, muscle pain, headache, fatigue, sore throat, loss of taste, loss of smell, diarrhea, vomiting, or myalgias;
    - ii. have measured sustained body temperatures equal to or greater than 100.0°F;
    - iii. appear to be suffering from any such symptoms, or
    - iv. have had close contact with a person who is confirmed or probable positive for COVID-19.
  - d. perform a secondary screening to determine the body temperature using an infrared thermometer for any person who:
    - i. refuses to answer any question posed to them; or
    - ii. resides in a county with six or more active cases of Covid-19 within the prior thirty days.
  - e. forward to the Texas Public Health Region the name of any person denied entry under 5.c.i,ii, or iii.

- **Scheduling**

1. The following measures are established to reduce occupancy and prevent exposures to Covid-19.
2. Each elected and assigned judge shall use all reasonable efforts to conduct proceedings remotely.
3. In-person proceedings are allowed for litigants and witnesses who are deemed by the presiding judge to be unable to successfully participate in a remote hearing.
4. Hybrid in-person and remote hearings are permitted.
5. Buildings shall designate a secure isolated area for accommodating persons who require such.
6. In-person jury trials are prohibited until August 1, 2020.
7. At **Level 2** or **3**, only one in-person/hybrid hearing may be held in a building at any time by any court.
8. Courts shall coordinate settings to ensure that in-person/hybrid hearings do not conflict.
9. County judges shall make reasonable efforts to ensure that Commissioners Court and other meetings do not occur during court hearings in the same building.

- **Face Coverings for Persons other than Courthouse Officials and Staff**

1. At **Level 1** and **2**, approved face masks may be required at the discretion of courthouse security, the county judge, or by any judge on the day they hold hearings.
2. At **Level 3**, approved face masks are required at all times.
3. Any person who resides in a county with six or more newly-identified probable or confirmed cases of Covid-19 within the prior thirty days is required to wear an approved face mask at all times.
4. A person may use their own approved face mask or will be provided one by courthouse security.
5. Surgical masks are recommended for persons who will be in the court building for more than one hour and may be provided by courthouse security if available.

- **Vulnerable and Highly Vulnerable Populations**

1. Individuals age 65 to 72 are a member of a **Vulnerable Population**.
2. Individuals over age 72 and any individual who receive oxygen therapy or has a serious underlying health condition, such as high blood pressure, chronic lung disease, decreased lung capacity, diabetes, obesity, asthma, compromised immune systems (including by chemotherapy for cancer or other conditions requiring such therapy) are a member of a **Highly Vulnerable Population**.
3. On all scheduling communications, judges will include information notifying individuals who are a member of a Vulnerable or Highly Vulnerable Population of the obligation to contact the court to identify themselves and receive accommodations. A notice with this information (a copy of which is attached) shall be posted on each court's website and in a conspicuous location at the building.
4. Members of both populations shall be permitted to enter the courtroom upon completion of a *Request for Access Form* (a copy of which is attached) and shall wear face masks at all times.
5. At **Level 3**, members of the Highly Vulnerable Population shall not be permitted to enter the courtroom but shall participate in hearings remotely in an individual setting within the court building.
6. Courthouse officials and staff who are members of the Vulnerable or Highly Vulnerable Population shall be permitted to enter the courtroom.
7. Attorney members of these populations shall:
  - a. be permitted to enter the courtroom;
  - b. be given priority settings for in-person hearings;
  - c. make diligent efforts to resolve matters by submission or attend court virtually; and
  - d. remove face masks during their hearings at their discretion.

• **Social Distancing**

1. Except for members of the same household and persons accompanying inmates and children:
  - a. every individual will maintain a social distancing radius of 6 feet; and
  - b. only one person at a time is permitted in an elevator.
2. Breakrooms are closed to the public.
3. The maximum capacity of each bathroom shall be marked and enforced.
4. The maximum capacity for courtroom galleries and gallery seating shall be marked and enforced.
5. Within a courtroom's well, all seating shall be arranged to accomplish social distancing of 6 feet.
6. No person shall approach the bench and counsel shall address the Court from their seats.

• **Hygiene**

Each county shall ensure that:

1. a full hand sanitizer dispenser is placed at each accessible entrance to the building, courtroom, bathrooms and elevators on each floor;
2. tissue boxes and/or sanitary wipes are placed at the door of the courtroom, counsel tables, the witness stand, the judge's bench, and in hallways;
3. the Department of State Health Service's "Stop the Spread of Germs Flyer" is posted in multiple locations on each floor; and
4. interior doors to highly-trafficked rooms (i.e. restrooms) should remain open as practical to reduce hand contact.

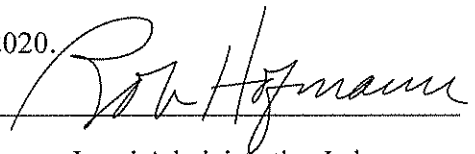
• **Cleaning**

1. Staff shall clean courtrooms and common areas at least once each day that court is in session.
2. At **Level 2** and **3**, staff will disinfect the courtroom gallery and attorney tables at the conclusion of each hearing and the witness stand after each witness.
3. Staff will use cleaning supplies shown to be effective against the coronavirus per EPA guidelines.
4. Staff shall be trained on proper cleaning techniques and provided personal protective equipment per EPA guidelines.

A violation of this plan may constitute Contempt of Court, subjecting the violator to a fine of up to \$500 and a jail sentence of up to 180 days in jail.

I have conferred with all judges of the courts who hold hearings in the court buildings covered by this plan, including the county judges, justices of the peace and child support associate judges for Edwards, Kimble, Mason, McCulloch and Menard Counties. Additionally, in developing the plan, I consulted with county attorneys, other officials and the local health authority for each county as documented and attached to this plan. I will ensure that the judges of courts operating within the court buildings covered by this plan conduct proceedings accordingly.

This order is signed and effective this the 28<sup>th</sup> day of May, 2020.



Robert R. Hofmann, Local Administrative Judge