



## **COVID-19 Operating Plan for the Harris County Justice Courts**

The Justices of the Peace of the Harris County Justice Courts recognize the need to reevaluate the COVID-19 Operating Plan to ensure the health and safety of litigants, defendants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts to conduct court business; and, therefore, implement the following protective measures. Furthermore, in the event the judge determines that a hearing should occur in-person under the approved Re-certification of In-Person Operating Plans, effective January 11, 2021, the following precautions and protocols shall apply.

### **General**

1. All judges will continue to comply with the Emergency Orders issued by the Supreme Court of Texas and Texas Court of Criminal Appeals, including that all courts will use all reasonable efforts to conduct proceedings remotely and only conduct in-person proceedings when factually or constitutionally required.
2. All judges will adhere to all future and subsequent local guidance set forth by the local administrative district judge and justice court presiding judge in coordination with public health. The local administrative district judge and justice court presiding judge will continue to maintain regular communication with the local health authority and county judge and will adjust this operating plan as necessary depending on conditions in the county.
3. All required in-person proceedings will continue to be conducted according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.

### **Judge and Court Staff Health**

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. If the County has provided screeners at the courthouse annex, judges and court staff will submit to having their temperature taken upon entry. If the County has not provided screeners at the courthouse annex, judges and court staff will self-screen and submit to having their temperature taken by another member of the court staff.
3. Judges or court staff who feel feverish or have measured temperatures greater than 100.4°F (or 99.6°F for those who are age 65 or older) or with new or worsening signs or symptoms of COVID-19, such as fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known

close contact with a person who is confirmed to have COVID-19, will not be permitted to enter the building and should seek medical advice.

4. If a judge or staff member does test positive for COVID-19, the judge will notify the other court staff and any other courts/departments sharing space that an individual in the court has tested positive. The judge will also notify the Office of Court Management to ensure that proper notification be made to the local health authorities so that contact tracing can be performed, and to the county facilities department so that the office space can be promptly and properly disinfected and cleaned.
5. Judges and court staff will be required and continue to practice 6 feet of social distancing where possible and appropriate hygiene recommendations, including frequent handwashing, at all times.
6. Judges and court staff will be required to wear face coverings, and have been provided with guidance on how to make a home-made face covering and properly wear it.
7. Judges and court staff have been provided with training materials and information related to COVID-19 symptoms, how to stop the spread of COVID-19, and screening procedures.
8. Protective Measures: The County has installed sneeze guards for various points at which the judges and/or court staff may have direct face-to-face contact with the public. Hand sanitizer, tissues, waste baskets, and disposable face coverings have been and will continue to be made available to the public.

### **Scheduling**

In an effort to reduce occupancy in the court buildings:

1. Each court will review its docket and determine those cases that can be handled by submission, those cases that can be handled remotely or partially remotely, and those cases that require in-person proceedings. Each court will be lenient in considering requests from parties to appear remotely through Zoom or via alternate means (i.e. telephone), and generous in granting requests for continuances as appropriate. Each court will schedule any necessary in-person dockets in such a way as to allow for proper social distancing within the courtroom itself. As Harris County is a large county, and each justice court is its own department with a unique docket size, it will be up to each court to establish a schedule to stagger dockets (by times throughout a given day) to reduce the flow of defendants, litigants, witnesses, potential jurors, and the general public visiting the court at any given time. Further, the courts will develop these schedules ensuring that the most pressing cases are given priority.
2. The courts are equipped with Zoom accounts to conduct remote proceedings as possible and appropriate. The County has purchased its own streaming service to abide by the open courts doctrine. Court notices, including notices of hearings, will notify parties that dockets will be conducted virtually, and that if a party is unable to appear remotely (via Zoom or telephonically), the party must notify the court for a determination under the Re-certification of In-Person Operating Plans.
3. Any proceeding occurring in-person after a such determination is made shall proceed subject to the precautions and protocols outlined herein. Every attempt will be made to minimize exposure between members not of the same household.

4. Court notices, including notices of hearings, will continue to include language stating that if a party or attorney is exhibiting any COVID-19 symptoms or if one believes he or she may have been exposed to COVID-19, the party or attorney is encouraged to contact the court before appearing in person so that appropriate accommodations can be made. All notices from the court include a statement that says or is similar to:

*If you are exhibiting any COVID-19 symptoms, including fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, or diarrhea, or if you believe you may have been exposed to COVID-19, you are encouraged to contact the Court before appearing. The Court may allow or require anyone involved in any proceeding to participate remotely, such as by teleconferencing or videoconferencing.*

Similar language has been included on the courts' website.

### **Vulnerable Populations**

1. Individuals who are age 65 or older and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy, are considered to be vulnerable populations.
2. Court notices, the courts' website, and other communications from the court will continue to include language notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations.
3. Individuals who are in vulnerable populations who are scheduled for court will be accommodated by allowing participation via remote proceedings or through continuances as appropriate, regardless whether a judge has made a finding that an in-person proceeding is factually or constitutionally required.

### **Social Distancing**

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. For those courthouse annexes with elevators servicing the courts, signs will be posted that no more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. The courts will utilize floor markers within elevators, if applicable, and, where possible, in areas where individuals would be waiting in lines to conduct court business.
4. Public common areas under the supervision of the court, if applicable, have been closed to the public.

### **Gallery**

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will continue to be monitored and enforced by the court bailiff and/or court staff.

6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row. To the extent possible, benches have been marked to reflect appropriate spacing to maintain social distancing.

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7. In each courtroom, the counsel tables, witness stand, juror seating, judge's bench, and clerk and bailiff seating have been arranged, and marked, in such a way so as to maintain social distancing as best as possible.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms. Hand sanitizer will contain at least 60% alcohol.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways where possible. Waste bins have been placed in these areas to ensure proper disposal of tissues immediately after use.
3. Signage related to proper hygiene practices has been placed throughout the court areas and annex buildings, including the restrooms.

### **Screening**

1. When at all possible and when the County will so provide, when individuals attempt to enter the court building, the County provided screeners will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When at all possible and when the County will so provide, when individuals attempt to enter the court building, the County provided screeners will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F will be refused admittance to the court building.

### **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times, and individual courts reserve the right to turn away an individual who declines to wear a mask. The courts have included information about this on the courts' main website and provided links to information on how to make a home-made face covering and properly wear one.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided, so long as a supply is available.

### **Cleaning**

1. Court building cleaning staff, as provided by the County, will clean and disinfect the common areas of the court building so that common spaces are cleaned at least every 4 hours.

2. Court building cleaning staff will clean and disinfect the courtrooms as often as possible after each docket.
3. Court building cleaning staff have been provided cleaning and disinfectant supplies shown to be effective with this coronavirus. Court cleaning staff will be provided EPA-registered products that have an approved emerging viral pathogen claim for COVID-19. These products should be used according to label instructions.
4. Court building cleaning staff have been trained on proper cleaning and disinfecting techniques and provided appropriate personal protective equipment.
5. To the extent cleaning and disinfecting supplies are available, court staff will disinfect common surfaces in the courtroom and at the clerk's windows as often as possible.

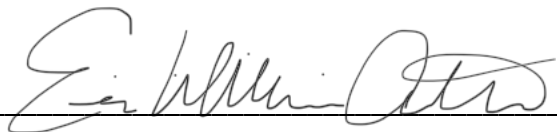
**Other**

The justice courts have increased the ability of defendants in criminal cases to resolve their cases through the courts' main website ([www.jp.hctx.net](http://www.jp.hctx.net)) by signing up for driving safety courses, entering pleas of guilty or no contest, paying court fines and fees, making partial payments on judgments, and paying costs due on deferred dispositions and driving safety courses, all in an effort to reduce the flow of person traffic into the courthouse and at the clerks' windows. The courts continue to investigate additional uses for the website to further reduce the need for a physical trip to the courthouse. The courts are also actively encouraging litigants in most civil cases, and some criminal cases, to file documents electronically through the efiletexas.gov website, or through submission to the court via email or fax. The courts are also developing an online dispute resolution option to allow for parties in civil disputes to mediate their cases remotely without necessitating an in-person appearance in court.

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I have attempted to confer with all Harris County Justices of the Peace regarding this Operating Plan. This plan was developed in consultation with the local health authority, county committees and departments, and county judge. I will ensure, to the extent of my ability, that the judges of courts with courtrooms covered by this Operating Plan conduct proceedings consistent with the plan.

Date 1/10/2021



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Eric William Carter, Justice of the Peace, Precinct 1 Place 1  
Presiding Judge, Harris County Justice Courts