



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

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, Probate judges, the probate court staffs, and other individuals entering the buildings housing the courts, the probate courts of **Harris County, Texas** will implement the following protective measures:

### **General**

1. All four of the Probate Judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration (OCA) regarding social distancing, maximum group size, and other restrictions and precautions.
2. All Probate Judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative Probate Judge will maintain regular communication with the local health authority and the County Judge and adjust this operating plan as necessary with conditions in the county.
4. Probate Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020 subject to all subsequent local, state, and Federal Emergency Orders as well as any subsequent emergency orders from the local administrative Probate Judge.

### **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. Probate Judges and Court Staff Monitoring Requirements: The County will ensure that there are screeners at the entrances of all of the courthouses in the downtown courthouse complex, and all Probate Judges and the probate court staffs will submit to having their temperature taken. If a Probate Judge or staff member does test positive for COVID-19, the Probate Judge will notify the other court staff of that particular probate court that an individual in that probate court has tested positive. The Probate

- Judge in question will also notify District Court Administration, Office of Court Administration, and the local administrative Probate Judge so that proper notification can be made to the local health authorities so that contact tracing can be performed.
3. Probate Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as 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. Probate Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
  5. Protective Measures: The County will provide sneeze guards for the clerks, court reporter and witness. The County will also provide each probate court with face coverings and gloves. The County will, throughout the day, clean “touch points” and will perform a thorough cleaning of the complex at least once a week.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building: Each court will review its docket and determine cases which can be handled by submission, which cases can be handled remotely or partially remotely and which cases needed to have in person hearings. Each probate court will strive to reduce its number of in person hearings and will strive to schedule in person hearings in such a way as to maintain proper social distancing within the courtroom itself. As Harris County is a large county with specialized probate courts, each probate court will establish a schedule to stagger dockets (by times and days) to reduce the flow of litigants, witnesses and general public entering the courthouse complex at one time. Further, the probate courts will develop a schedule ensuring that the most pressing cases are given priority.

### **Vulnerable Populations**

1. Individuals who are 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. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building, and made available

- to attorneys for communication to litigants and witnesses.
3. Vulnerable populations who are scheduled for court will be accommodated by allowing testimony or participation by remote proceedings, by allowing testimony through deposition testimony, and as appropriate through continuances of current settings.

### **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. The Courts will work with the local medical community to determine the number of individuals allowed in the court elevators at one time. Currently, 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. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. The main lunchroom in the civil courthouse has been closed to the public for in space dining, though "to go" food is still available.

### *Gallery*

5. The maximum number of persons permitted in the gallery of each probate courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of each probate courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

### *Well*

7. In each probate courtroom the counsel tables, witness stand, judge's bench, clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each probate courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the probate courtroom, at counsel tables, at the witness stand, on the probate judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

## **Screening**

1. When individuals attempt to enter the court building, 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 individuals attempt to enter the court building, County provided screeners will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including gloves and masks.

## **Face Coverings**

1. All individuals entering the court building will be required to wear face coverings at all times and courts will have the right to turn away an individual who declines to wear a mask. Masks will be provided to those coming to the courthouse without one, so long as a supply is available.
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.
3. Individuals who will be required to be in the court building and who do not have a mask will be provided surgical masks and required to wear them while in the court building if the supply is available.

## **Cleaning**

1. Court building cleaning staff will clean 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 the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

## **Other**

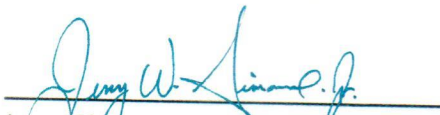
The County has developed a process for installing sneeze guards in all probate courts on a priority basis.


Further, the County has purchased its own streaming service to ensure open courts. The County is investigating the ability to have computers or tablets at local libraries or JP courts to increase remote access for the litigants and the public and is investigating large, off-site facilities for larger trials, grand juries and jury pools when those processes restart.

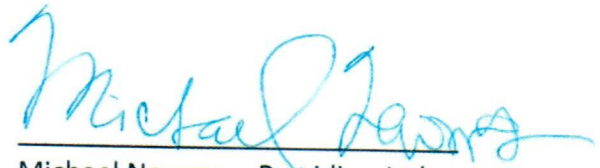
---

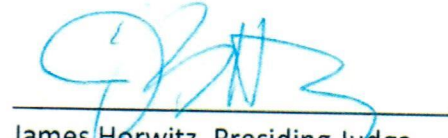
I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 15, 2020

  
Jerry Simoneaux, Presiding Judge  
Harris County Probate Court # 1

  
Jason Cox, Presiding Judge  
Harris County Probate Court # 3

  
Michael Newman, Presiding Judge  
Harris County Probate Court # 2

  
James Horwitz, Presiding Judge  
Harris County Probate Court # 4