

# FIRST AMENDED

## COVID-19 Operating Plan Aubrey Municipal Court

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Aubrey will implement the following protective measures:

### **General**

1. All 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 regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.
4. Judges will begin setting in-person proceedings only as a last resort.

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

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible or work staggered days and hours in the event social distancing is not feasible in the workplace.
2. Judges and Court Staff Monitoring Recommendations: Self-monitor for signs and symptoms of COVID-19 and report when sick or experiencing symptoms of COVID-19.
3. 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. It is required that Judges and court staff wear face coverings for courtroom hearings, practice social distancing, and practice appropriate hygiene recommendations at all times.
5. Protective Measures:
  - a. Sanitizer will be placed at door entrance(s) and interior doors will remain propped open, if applicable, to avoid contact with handles,
  - b. Staff and Visitors will be strongly encouraged to sanitize their hands and required to wear masks upon entry to the courtroom,
  - c. A one-way flow for entry and exit into the courtroom will be designated to maintain appropriate distancing to avoid face-to-face contact. It will be monitored by a Bailiff.
  - d. Social distancing signage will be placed in the courthouse.
  - e. Signatures will be required only if necessary,

- f. Personal contact will be kept to a minimum by providing give away pens if signatures are required or pens will be sanitized after individual use,
- g. No more than 10 Defendants will be scheduled for any in-person court proceedings in time intervals that will maintain social distancing and Courtroom capacity,
- h. Docket Notices will have a check-in procedure that does not require face-to-face contact and the Defendant will be notified by the same manner as to when it is safe to enter the Courthouse,
- i. Defendants will be encouraged to enter alone subject to the Open Court Provision wherein reasonable accommodations will be made,
- j. It is required that the Bailiff wear personal protective equipment during the security check,
- k. Seating in the Courtroom will be separated at a minimum distance of 6',
- l. Defendants will not approach the bench or court Staff closer than 6',
- m. Documents will be transmitted to the service counter for signature, if necessary, and retrieval,
- n. Without a personal appearance (phone, mail, email or website), any Defendants in the Vulnerable Population will be given an opportunity to schedule an alternative method for appearance or reschedule their case(s) until it is deemed safe.

### **Scheduling**

In an effort to reduce the number of defendants required to make an appearance in court, the Aubrey Municipal Court will do the following:

1. All reasonable efforts are being made to conduct remote proceedings.
2. Standing Orders allow clerks to process certain paperwork outside of the courtroom.
3. The Court website has been updated to encourage appearances be made by email, mail, phone or drop box.
4. Requests and submittals may be submitted by mail or email to avoid in-person contact.
5. Documentation will be reviewed by the Judge outside of the courtroom.
6. Cases are reviewed by the prosecutor prior to court to determine if a plea offer may be mailed/emailed to the defendant and/or attorney representing the defendant.
7. The Judge has modified or suspended any and all deadlines and procedures prescribed by statute, rule, or order for a stated period ending no later than 30 days after the [Governor's State of Disaster](#) has been lifted.
8. In-person proceedings may be necessary for inability of parties to participate due to a disability or lack of technology.
9. If in-person appearances are necessary, courtroom dockets will be held with no more than 10 Defendants set on any docket and reasonable accommodations will be allowed to comply with the Open Courts Provision.

## **Vulnerable Populations**

1. Individuals who are over age 65 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 court's website, at the clerks' windows, and upon the courtroom entry door (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by allowing them, without a personal appearance (phone, mail, email or website), to schedule an alternative method for appearance (Video or Phone Conference) or reschedule their case(s).

## **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. 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.

### *Gallery*

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

### *Well*

5. In the courtroom, the counsel tables, witness stand, judge's bench, clerk(s), 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 lobby and courtroom entrances.
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.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in the lobby area as well as at the courtroom entrance.

## **Screening**

1. It is recommended when individuals attempt to enter the courtroom, the Bailiff and/or city employee ask the individuals if they are (1) feeling feverish or a measured temperature greater than or equal to 99.6 °F; (2) have a cough; (3) shortness of breath; (4) have been in close contact with a person who is lab confirmed to have COVID-19; (5) repeated shaking with chills; (6) headaches; (7) sore throat; (8) new loss of taste or smell; (9) diarrhea; (10) muscle pain; (11) or chills. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the courtroom, the Bailiff and/or city employee will use an infrared

thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.

3. Staff who are screening individuals entering the courtroom will be provided personal protective equipment, including face masks and/or shields, disposable gloves and hand sanitizer.

**Face Coverings**

1. All individuals entering the courtroom will be required to wear face coverings at all times.
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.

**Cleaning**

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every 24 hours.
2. The courtroom will be cleaned by a cleaning staff before proceedings are held.
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.
5. During window transactions and courtroom proceedings, court staff will monitor for the need to disinfect/clean any surface that may potentially come in contact with more than one person and ensure it is disinfected/cleaned properly.

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 mayor, 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: 01/06/2021



Presiding Judge of Municipal Court

Approved



David L. Evans  
Presiding Judge  
Eighth Administrative Judicial Region  
January 23, 2021



*Leading our communities to a healthier future.*

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01/06/2021

Art Maldonado  
Presiding Judge  
City of Aubrey Municipal Court

Judge,

I endorse and approve your COVID-19 Operating plan for Aubrey Municipal Court, as forwarded to me on 1/5/21.

Sincerely,

Marty Buchanan, MD, PhD  
Health Authority/ Medical Director  
Denton County Public Health  
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