

COVID-19 Operating Plan for the Kendall County Judiciary

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 451st District Court (the “Court”) will implement the following protective measures:

General

1. The Court 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 in person requirements surrounding social distancing, maximum group size, and other restrictions and precautions.
2. The Court will maintain regular communication with the Emergency Management Coordinator (“EMC”) and the County Judge. This Operating Plan will be adjusted as necessary with conditions in the County.
3. Judges may begin setting in-person proceedings April 1, 2021.

Judge and Court Staff Health

1. Judges, court staff and county courthouse employees who feel feverish or have measured temperatures equal to or greater than 100 Fahrenheit, are experiencing cold or flu-like symptoms, or signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with fever, muscle pain, headache, fatigue, sore throat, loss of taste or smell, diarrhea, vomiting, myalgia, or have had known close contact with a person who is probable or confirmed to have COVID-19, will not be permitted to enter the court building and should seek medical advice.
2. Judges and court staff will follow the Kendall County Commissioners Orders concerning face coverings while in the courthouse, and shall comply with social distancing recommendations following all appropriate hygiene recommendations at all times that they are in the courthouse building. Face coverings for county employees and court staff working directly with court proceedings while in the courtroom may be required at the discretion of the judge presiding over such proceedings.
3. If a person with a confirmed case of COVID-19 was in the court building, the area shall be fully sanitized.

Scheduling

The following court schedules are established to reduce occupancy in the court building and prevent exposure in common areas.

1. Beginning March 15, 2021, all courts may begin holding in-person proceedings, both essential and non-essential. The court will advise all parties as to whether the proceeding will take place in-person or remotely.

2. All proceedings, with the exception of jury trials, scheduled to occur in-person may occur remotely (such as by teleconferencing, videoconferencing, or other means) upon request and good cause shown unless one or more litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. A party to an in-person proceeding that desires to proceed remotely should confer in order to reach an agreement to proceed remotely. If the parties are unable to agree, the party seeking to proceed remotely must provide the court with good cause for proceeding remotely at least seven days, or as soon as practicable, prior to the scheduled hearing. If notification is not made within twenty-four hours, no accommodation will be made.
3. In-person jury trials are permitted in accordance with the 36th Emergency Order issued by the Supreme Court of Texas. Prior to proceeding with an in-person jury trial, the presiding judge must receive permission from the Local Administrative District Judge.
4. No two courts may hold in-person hearings or dockets in the same court building at the same time. This includes district court, county court at law, Title IVD court, child protection court, and justice court. Descending order of priority of settings shall be District Court, County Court at Law, Title IVD Court, and Justice Court. The Court Administrator shall communicate with other courts in the same building to ensure that in-person court proceedings do not overlap. The Court Administrator will take reasonable steps to ensure that Commissioner's Court meetings and other public meetings in the court building do not overlap with court settings utilizing the courthouse.
5. In-person criminal dockets may begin April 1, 2021. Such criminal dockets will be time staggered utilizing both Courtrooms if necessary. Parties should anticipate notice of a specific time for appearance within 24-48 hours of the appearance date.
6. Zoom hearings remain the preferred means for all civil matters but the presiding judge may require such hearing to proceed in-person as delineated above.

Vulnerable Populations

1. Individuals age 65 to 72, who have no serious underlying health conditions 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), or are receiving oxygen therapy, are considered to be Vulnerable Populations.
2. Individuals age 73 and over, and individuals of any age who have serious underlying health conditions, 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), or are receiving oxygen therapy, are considered to be Highly Vulnerable Populations.
3. Individuals who are in Vulnerable Populations or Highly Vulnerable Populations are obligated to contact the court to identify themselves as a Vulnerable or Highly Vulnerable individual if they wish to receive accommodations. Accommodation may be made pursuant to this Operating Plan.

4. Persons needing access to the Court in Vulnerable Populations and Highly Vulnerable Populations shall be permitted to enter court buildings and attend court proceedings, but shall make diligent efforts to resolve matters by submission or virtual hearing and video appearance. All those needed to attend Court in person will be provided with staggered hearing times to ensure proper social distancing can be accomplished at all times.

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.
2. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing between each space or a partition has been erected.

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.
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 multiple locations on each floor of the court building.
4. When Court is in session, the door will remain open to the greatest extent possible in order to minimize the need to touch the door handle.

Screening

1. When individuals attempt to enter the court building, 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.
2. 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.
3. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face masks and gloves.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings as required by the Kendall County Commissioners Court, except that judges presiding over court proceedings may alter face covering requirements for any business day that court is in session.
2. Attorneys may remove their masks while addressing the court while court is session and on the record. Witnesses may remove their masks while testifying, if so requested by the court.
3. Individuals will be encouraged to bring cloth face coverings with them. If face coverings are required by this Operating Plan and 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 regularly cleaned.
2. Court building cleaning staff will clean the courtrooms 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 and will clean between each hearing.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

1. Bailiffs and courthouse security personnel are authorized to enforce all provisions of this Operating Plan.
2. Bailiffs and courthouse security personnel may refuse entry to anyone who does not comply with this Operating Plan, or refuses to comply with the directives of those enforcing this Operating Plan.
3. Any person may be removed from the courtroom and court building at the discretion of the Bailiff or courthouse security personnel.
4. Violation of this Operating Plan may result in expulsion from the court building, and/or 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.

In developing the plan, I consulted with the Kendall County Judge, Darrel Lux. Each individual reviewed, commented and approved the final plan and implementation of same. 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. Unless renewed, this Operating Plan will expire on June 1, 2021.

Date: 3/12/2021



Judge Kirsten B. Cohoon
451st Judicial District Court
Kendall County, Texas