

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 social distancing, maximum group size, and other restrictions and precautions.
2. The Court will use all reasonable efforts to conduct proceedings remotely.
3. The Court will maintain regular communication with the Emergency Management Coordinator ("EMC") and the County Judge and will adjust this operating plan as necessary with conditions in the County.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020.

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 may, at their discretion, but are not required to, wear face coverings, and shall comply with social distancing recommendations following all appropriate hygiene recommendations at all times that they are in the court building. Face coverings for county employees and court staff working directly with court proceedings may be required at the discretion of the judge presiding over such proceedings.
3. County courthouse employees may, at the discretion of the County Judge, be required to wear face coverings. All county courthouse employees will be required to practice social distancing and appropriate hygiene recommendations at all times that they are in the court building.
4. If a person with a confirmed case of COVID-19 was in the court building, no one shall enter the court building until the building has been fully sanitized.

Scheduling

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

1. All proceedings, both essential and non-essential, should occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the court's control. Hybrid hearings, where specific witnesses or litigants require special accommodations in the court building, are permitted. Each court building shall establish an isolated and secure area for accommodating a litigant or witness during court hearings.
2. In-person jury trials are prohibited until at least July 1, 2020, and thereafter only in accordance with the guidance from the Office of Court Administration.
3. 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, Title IVD court, child protection court, justice court, and any other court utilizing the court building. Descending order of priority of settings shall be District Court, County Court, Title IVD Court, and Justice Court. All court coordinators shall communicate and cooperate to ensure that in-person court hearings do not overlap. Counties will take all reasonable steps to ensure that commissioner's court meetings and other county meetings in the court building that are open to the public do not overlap with court settings.
4. Large criminal dockets will be time staggered and will utilize both Courtrooms. Parties should anticipate receipt of a specific time for appearance within 48 hours of the date of appearance. Only when required as delineated above, civil matters will be staggered to ensure that social distancing can be maintained. Zoom hearings are preferred for all civil matters. The Court Administrator will provide an individual Zoom conference number for each participant.

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. Each judge will include information on orders setting hearings, dockets notices, and in other scheduling communications, notifying individuals who are in Vulnerable Populations or Highly Vulnerable Populations of the obligation to contact the court to identify themselves as a vulnerable or highly vulnerable individual in order to receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around each court building.

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 of at least 6 feet.
2. 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. Public common areas, including breakrooms and snack rooms, 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 be monitored and enforced by court staff.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to designated spots.
7. If a person in the gallery leaves his/her seat, he/she must return to the same seat.

Well

8. 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 of at least 6 feet 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 minimize the need to touch the door handle.

Screening

1. When individuals attempt to enter the court building, Court bailiffs 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, Court bailiffs 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 face masks and gloves.

Face Coverings

1. All individuals entering the court building may be required to wear face coverings, at the discretion of courthouse security personnel, except that judges presiding over court proceedings may institute heightened 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 by the county from courthouse security personnel.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every twenty four hours.
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, the Covid-19 Emergency Management Coordinator, Jeff Fincke, and the local health official, Brenda Bell. 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.

Date: 5/20/2020



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