

# **COVID-19 Operating Plan for the Wharton 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 329<sup>th</sup> and 23<sup>rd</sup> District Courts, the County court, the Justice Courts, the IV-D Court and the Child Protection Court of **Wharton County** 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 local administrative district judge will maintain regular communication with the local health authority and county judge and 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 and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: report to one another any symptoms that they may have. At the beginning of each day, judges and court staff will record their temperature and any symptoms in a logbook to be maintained by each court.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100.0°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 courtroom and should leave and immediately seek medical advice.
4. Judges and court staff will be required to practice social distancing, and practice appropriate hygiene recommendations at all times.

## **Scheduling**

Court schedules will continuously be modified by each judge to reduce occupancy in the courtroom with a view to achieving compliance with this plan. Each judge will adjust scheduling as experience dictates how the modifications are achieving compliance.

## **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 individuals.

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 (a copy of which is attached).
3. Vulnerable individuals who are scheduled for court will be accommodated by 1) allowing the vulnerable person to attend the hearing virtually, or by 2) rescheduling the hearing, or by 3) providing appropriate additional personal protective equipment to the vulnerable person, in the court's discretion.

### **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. Places where persons may and may not sit are clearly marked.

### *Well*

7. 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.

### **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.

### **Screening**

1. When individuals attempt to enter the court room, the bailiff 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 courtroom.
2. When individuals attempt to enter the courtroom, the bailiff 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 courtroom.
3. Inmates being transported from the jail to the courtroom will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with active symptoms or a temperature equal to or above 100°F will not be transported to the courtroom.
4. Staff who are screening individuals entering the courtroom will be provided personal protective equipment, including a face mask.

### **Face Coverings**

1. All visitors entering the courtroom will always be strongly encouraged to wear face coverings .
2. Individuals will be encouraged to bring cloth face coverings with them. Cloth face coverings will be available at no charge upon request.

### **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. 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.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### **Other**

Common sense will prevail. In the event any of these rules threatens the orderly process of justice, the judge is encouraged to simply reschedule the proceedings to a later date.

I have attempted to confer with all judges of courts with courtrooms in the court buildings 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 take all reasonable efforts to ensure that the judges of courts with courtrooms in the court buildings covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 5/15/2020

  
\_\_\_\_\_  
Honorable Randy M. Clapp, Local Administrative District Judge