

OFFICE OF COURT ADMINISTRATION

June 1, 2020



Guidance for All Court Proceedings During COVID-19 Pandemic (For Proceedings on or after June 1, 2020)

On or after June 1 until further updated¹:

NOTE: Courts are not required to commence in-person proceedings on June 1 and should include in their discussions with the county judge/mayor and local health authority a proper date for commencing in-person hearings under the operating plan.

- **Courts should use all reasonable efforts to conduct proceedings remotely.²**
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.³ Courts may need to conduct hybrid hearings in certain proceedings.
- **Jury trials must not be held until further guidance is issued by the Office of Court Administration (expected to be released no later than mid-May for proceedings in the summer).** It is anticipated that jury trials can safely resume in the summer; however, due to the unique nature of these proceedings, special attention must be provided to ensure the safety of jurors and others in these large group gatherings. Specific guidance to assist jurisdictions in planning resumption of jury proceedings will be issued soon.
- **Prior to any court holding in-person proceedings, other than essential hearings that cannot be conducted remotely because doing so is not possible or practicable,⁴ the local administrative district judge for a county or the presiding judge of a municipal court, as applicable, must submit an operating plan for all courts in the county or municipality to the Regional Presiding Judge.⁵**
 - Each local administrative district judge must attempt to confer with judges of all courts with courtrooms in county buildings, including district judges, county court at law judges, county judges, justices of the peace, associate judges, magistrates, and chief justices of the courts of appeals where applicable.

¹ It is possible that some of the limitations and restrictions may be modified or removed as public health officials indicate those are necessary or possible.

² See [Twelfth Emergency Order Regarding the COVID-19 State of Disaster](#), #4.

³ Courts who need technical assistance with remote proceedings may contact the Office of Court Administration at zoomhelp@txcourts.gov.

⁴ Essential proceedings include, but are not limited to, criminal magistration proceedings, CPS removal hearings, temporary restraining orders / temporary injunctions, juvenile detention hearings, family violence protective orders, and certain mental health proceedings. Guidance issued since March 26 has required all essential hearings to be conducted remotely unless holding the proceeding remotely is not possible or feasible.

⁵ This process is similar to the requirement for the Local Administrative District Judge and Municipal Court Presiding Judge to preside over a court security committee involving all affected courts as required by Secs. 29.014, 30.00007(b)(6), and 74.092(a)(13), Government Code.

- In developing the operating plan, the local administrative district judge or presiding judge of a municipal court must consult with the local health authority and county judge/mayor.⁶ Documentation (e.g. email, letter, etc.) from the local health authority and county judge/mayor showing that the consultation has occurred must be submitted with the operating plan.
- Upon written acknowledgement by the Regional Presiding Judge that the operating plan meets the requirements of an operating plan discussed below, the courts in the county or city may commence in-person proceedings only in accordance with the guidance issued by the Office of Court Administration (OCA) and the operating plan.
- The Regional Presiding Judge must forward a copy of each operating plan to the OCA at coronavirus@txcourts.gov.

Operating plans will remain in effect until updated guidance is issued from the OCA indicating they are no longer required or upon the expiration of the provisions in the Twelfth Emergency Order, as amended or extended, requiring adherence to OCA guidance.

- **An operating plan must contain the following components:⁷**
 - **Judge and Court Staff Health – how the courts will ensure judges and court staff do not enter the courthouse if they have new or worsening signs or symptoms⁸ and will protect judges and staff from exposure to the degree possible.⁹**

Courts should take precautions to ensure judges and courts staff do not enter the courthouse when there is a likelihood that they may have COVID-19, and courts should take reasonable steps to protect judges and court staff from contracting COVID-19.

Courts should consider encourage teleworking for judges and court staff whenever possible and feasible.

- **Scheduling – how the courts in the building(s) covered by the plan will coordinate scheduling to reduce occupancy in the courthouse to the lowest degree possible.¹⁰**

In-person proceedings must be scheduled to reduce the number of people entering or in the courthouse at any one period of time. Judges in counties and cities with multiple judges in a building must coordinate scheduling of any in-person proceedings to reduce the number of people in the courthouse at one time.

⁶ Local Administrative District Judges should consult with the county judge at a minimum, and presiding judges of a municipal court should consult with the mayor at a minimum.

⁷ In developing the plan, courts should review the Texas Department of Health Services' Minimum Standard Health Protocols for COVID-19.

⁸ CDC. Symptoms of Coronavirus.

⁹ DSHS. Checklist for All Employers.

¹⁰ CDC. Get Your Mass Gathering or Large Community Events Ready.

- **Vulnerable Populations – how the courts will provide notice to vulnerable individuals and those who live with or are caregivers for vulnerable individuals and provide accommodations to reduce the appearance of those individuals at the courthouse.**^{11,12}

Vulnerable individuals are those 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.

- **Social Distancing – how the courts will ensure that adequate social distancing will be maintained for all individuals not within the same household who may be in a courthouse.**¹³

Courts should consider how to ensure distancing in public common areas, galleries of courtrooms,¹⁴ wells of the courtroom, hallways, elevators, restrooms, or other locations where the public might gather.

Special attention should be given to scheduling in buildings with multiple courtrooms, as common areas such as waiting areas, halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing.¹⁵

- **Hygiene – how the courts will ensure that individuals in the courthouse will have access to supplies to maintain high levels of hygiene**¹⁶

Courts should consider having hand sanitizer dispensers available at various locations around the courthouse, including at the entry and exits from the building and courtrooms. Courts should ensure that tissues are available for public use in courtrooms and other public areas. Courts should post readily visible signage reminding individuals of best hygiene protocols.¹⁷

- **Screening – how the courts will ensure screening of all individuals entering the courthouse or courtroom areas**¹⁸

Individuals feeling feverish or with 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 must not be permitted entry.¹⁹

Special attention should be given to how inmates or detainees from jail and juvenile facilities who may be transported to a courtroom will be screened,

¹¹ CDC. *People who are at Higher Risk for Severe Illness*.

¹² CDC. *What Can You Do*.

¹³ CDC. *Social Distancing, Quarantine, and Isolation*.

¹⁴ DSHS. *Checklist for Churches/Places of Worship*.

¹⁵ White House, CDC. See pp. 10 & 14 in the *Guidelines for Opening Up America Again*.

¹⁶ CDC. *How to Protect Yourself and Others*.

¹⁷ DSHS. Stop the Spread of Germs Flyer. <https://dshs.texas.gov/coronavirus/docs/StopSpreadofGerms-English.pdf> (English) and <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs-sp.pdf> (Spanish).

¹⁸ CDC. *Symptoms of Coronavirus*.

¹⁹ DSHS. *Checklist for All Employers*.

including consideration of a lower threshold temperature of 99.6°F as an indicator of symptoms.²⁰

Screeners should be provided appropriate face protection and gloves.²¹

- **Face coverings – how the courts will ensure face coverings over the nose and mouth are worn.**²²

Cloth face coverings, at a minimum, should be required of individuals while in the courthouse. Should an individual be in the courthouse for lengthy periods of time, non-medical grade face masks should be considered if they are available.¹⁹

- **Cleaning – how the courts will ensure frequent and appropriate cleaning of surfaces in and around courtrooms and common areas.**²³

Sanitizing should be routinely and more regularly performed, including when a transition of participants occurs within a courtroom between hearings and after recesses.¹⁹

²⁰ Suggestion for considering lower threshold for jail inmates made by DSHS physicians.

²¹ CDC. *Personal Protective Equipment: Questions and Answers.*

²² CDC. *Use of Cloth Face Coverings to Help Slow the Spread of COVID-19.*

²³ CDC. *Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes.*