

## **COVID-19 Health and Safety Protocols for the Matagorda 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 courts of Matagorda 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.
2. All judges should 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, adjusting this operating plan as necessary as conditions in the state and county warrant.
4. Each court may begin setting in-person proceedings at the judge's discretion.

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

1. Judge and Court Staff Monitoring Requirements: Judges will keep their staff informed regarding all health related best practices during the pandemic. Staff members testing positive for COVID-19 shall quarantine for ten (10) days; those exhibiting symptoms shall quarantine for ten (10) days from the date of the first symptom; those exposed to COVID-19 shall quarantine for fourteen (14) days from the date of the positive test result.
2. 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 will be advised to seek medical advice.
3. Judges and court staff will be required to wear face coverings or face shield when in an environment where social distancing protocols are not possible to maintain and otherwise will practice social distancing and appropriate hygiene recommendations at all times.
4. Protective Measures: Judges and staff will incorporate protocols set forth in these Protocols relating to cleaning, social distancing and personal hygiene.

## **Scheduling**

The following court schedule rules are established to reduce occupancy in the court building. Court schedules will be modified by each judge to conform to the Supreme Court of Texas and Court of Criminal Appeals Emergency Orders. Judges will conform to the capacity and social distancing guidelines in this Health and Safety Protocol.

1. The Local Administrative District Judge will create a Master Schedule for in-person court appearances that occur in the courthouse at 1700 7<sup>th</sup> Street, Bay City.
2. The Master Schedule will take into account the number of people attending court(s) to minimize the number of people in the hallways and ensure the maximum capacity of each courtroom is adhered to.
3. Each court will be expected to utilize multiple appearance times during the in-person session to avoid exceeding the maximum capacity at any one given time.
4. Any jury trials conducted in Matagorda County shall follow the following protocol:
  - A. Prior to the commencement of jury selection, the Court will require the parties to communicate with the court staff if any participant in the proceeding, including attorneys, parties, attorney support staff or witnesses have tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
  - B. If the approved in-person jury proceeding involves an incarcerated person, the Judge will require the Sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of the COVID-19, or any recent known exposure to COVID-19.
  - C. The Clerk will either (a) include with in-person jury summons information regarding precautions that have been taken to protect the health and safety of prospective jurors and COVID-19 questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19 or (b) provide and inquire about the information before jurors are allowed entry into the Civic Center for jury selection.
  - D. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable, or live with someone vulnerable, to COVID-19 will be liberally granted.

E. In person jury trial proceedings will be conducted as follows:

i. Jury selection sites:

1. The 130<sup>th</sup> and 23<sup>rd</sup> District Courts' jury selection will be held at the Bay City Civic Center, 7<sup>th</sup> Street, Bay City TX, main hall.
2. The County Court and Justice of the Peace Courts' jury selection will be held at the County Multipurpose Building, 2604 Nichols Ave, Bay City, TX.
3. Judges can reserve a jury selection site through the Local Administrative Judge's office. All reservation requests shall be done in writing and, at a minimum, thirty (30) days prior to requested date.

ii. Trial will occur in the courtroom for that court unless it does not have the capacity and personal protection equipment (PPE) in place to protect the participants (i.e. plexiglass dividers, appropriate spacing, etc.). If the courtroom is not sufficient to protect the participants, the Judge must reach out to the Local Administrative Judge to find an alternate location in the court house. If a Judge would like PPE installed, they can contact Emergency Management at (979) 323-0707.

iii. If a Judge desires to use the 130<sup>th</sup> or 23<sup>rd</sup> District Courtroom for the trial, the Judge or the Clerk must request the space, in writing, at least thirty (30) days prior to the trial commencing.

F. All in-person jury trials must be pre-approved by the Local Administrative Judge and meet the health and safety protocols outlined.

G. Courts shall consider, **on record**, any objection or motion related to the proceeding at least seven (7) days in advance, or as soon as practicable. Justice of the Peace courts and the County Court can conduct this hearing without a court reporter but shall make docket entries that specifically state that the hearing was held, the participants present, and the ruling.

## **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 or linked on the courts' websites and in conspicuous locations around the court building.
3. Vulnerable populations who are scheduled for court will be accommodated by scheduling remote hearings after proper motion and hearing conducted via ZOOM.

## **Social Distancing**

### *Public Areas*

1. 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.
2. Public common areas, including breakrooms and snackrooms, are closed to the public.

### *Gallery*

1. All persons not from the same household who are permitted in the courtroom will be required to maintain adequate social distancing of at least 6 feet.
2. 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.
3. The gallery of the courtroom has been marked to identify appropriate social distancing in the gallery. Seating is limited to the six foot distance between persons and seating in every other row.

### *Well and Jury Box*

1. 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 person.

2. The Jury Box has been equipped with plexi-glass dividers and seating is arranged to accommodate social distancing of at least six (6) feet between each juror.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on the third floor and outside of any courtroom in session.
2. 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 courtroom, court staff 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,
2. Individuals who indicate yes to any of these questions will be refused admittance to the court building or courtroom.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken at the jail 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 facemasks and gloves.

### **Face Covering**

1. All individuals are recommended to wear protective face masks at all times while in the building.
2. Individuals who choose not to wear protective face masks must at all times maintain a six-foot distance between themselves and any other person not of their own household. Failure to maintain this social distance will result in removal from the courtroom and building.

### **Cleaning**

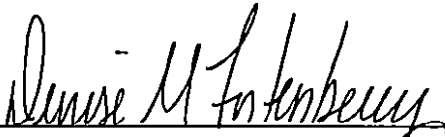
1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every four hours.

2. Court building cleaning staff will clean the courtrooms between every session, a session being no longer than 3 hours in length, between morning and afternoon proceedings, and 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 COVID-19.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

#### LOCAL ADMINISTRATIVE JUDGE'S CERTIFICATION

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 County Judge, 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.


Signed: March 17, 2021



Hon. Denise M. Fortenberry  
130<sup>th</sup> Judicial District Court  
Local Administrative Judge

FILED  
at 11:35 o'clock A. M.

MAR 17 2021

JANICE L. HAWTHORNE  
Clerk of District Court Matagorda Co., Texas  
By  DEPUTY