

Denton County Judiciary Minimum Standard Health Protocols

Per the Thirty-Sixth Emergency Order from the Texas Supreme Court, and to ensure the health and safety of litigants, attorneys, witnesses, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Denton County** will implement the following minimum standard health protocols:

General

1. All judges will comply with the Thirty-Sixth Emergency Order from the Texas Supreme Court and these minimum standard health protocols.
2. All judges should, but are no longer required to, use reasonable efforts to conduct proceedings remotely.
3. All judges are permitted to modify and suspend deadlines and procedures through June 1, 2021, allow or require anyone to participate remotely in a proceeding, conduct proceedings away from the court's usual location with reasonable notice and access to the participants and public, take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19, including requiring compliance with social distancing protocols and face coverings worn over the nose and mouth.
4. Upon request and good cause shown, judges are required to permit any court participant, other than a juror, to participate remotely in any proceeding, subject to constitutional limitations.
5. Upon adoption of these minimum standard health protocols, the district courts, statutory county and statutory probate courts, constitutional county courts and justice of the peace courts may conduct in-person hearings, both jury and non-jury.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely may telework when possible.
2. Judges and court staff monitoring requirements: Judges and court staff shall self-monitor body temperature and signs or symptoms of COVID-19 before reporting to work. If a judge or staff member feels ill, or has any symptoms of COVID-19, he or she shall stay at home. A judge or staff member may also take his or her temperature upon entrance to the courthouse located at 1450 E. McKinney Street, Denton, Texas or at the District Court Administration Offices located on the third floor of that building. Both locations shall be equipped with thermometers for employee use. Judge McCary may designate temperature check locations at the Juvenile Courts Building, and each Justice of the Peace may designate a temperature check location for the respective Justice Court Building.
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 a 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 should seek medical advice.

4. Judges and court staff will be encouraged to wear face coverings where social distancing cannot be achieved. Any judge may also require, in his or her discretion, the wearing of protective masks (or other protective measures) in the courtroom and shall require social distancing and appropriate hygiene as recommended by the Denton County Public Health Department.
5. Protective Measures: The Courts may utilize, to the extent possible, and be subject to the guidelines contained herein, the following protective measures for the staff and public: wearing of surgical masks (or equivalent), frequent handwashing or sanitizing, social distancing, Plexiglas shields between employees and the public, wearing of latex (or equivalent) gloves, door wedges, frequent cleaning and sanitizing of public areas and distance or seating markers.

Scheduling

1. The following court policies are established to reduce occupancy in the court building:
 - a. Courts shall follow the in-person proceeding schedule attached hereto;
 - b. Judges may require remote hearings for essential and nonessential matters;
 - c. Court Administrators, to the extent possible, shall stagger cases to limit the number of people in the courtroom;
 - d. Each judge should consider the Office of Court Administration (OCA) Best Practices for All Court Proceedings During COVID-19 Pandemic when scheduling in person hearings. If questions arise regarding these Minimum Health Standard Protocols or the OCA's Best Practices, the judge should consult with the local health authority.

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 may include information on orders setting hearings, docket 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 populations who are scheduled for court will be accommodated, if at all possible, by rescheduling the matter or allowing remote access or being excused from jury duty, as applicable.

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 six (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 break rooms 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. Seating shall be limited to comply with social distancing protocols and shall be limited to every other row if social distancing cannot be maintained using every row.

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 six (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. Tissue and trash cans 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 Services "Stop the Spread of Germs" flyer has been posted in multiple locations on each floor of the court building.

Screening

1. Signs will be posted at the entrances to the court buildings stating: "If you have a fever, cough, shortness of breath, difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19, DO NOT ENTER the court building." Signs will be in English and Spanish.
2. An infrared thermometer to determine the temperature of the individual will be available for self-screening at the entrance to the courts building located at 1450 E. McKinney Street, Denton, Texas. The use of said thermometer will be encouraged but not required.

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 100.0° F will not be transported to the court building.

Face Coverings

1. All individuals entering the court building will be encouraged to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals required to be in the court building for over one hour will be provided surgical masks and encouraged to wear them while in the court building if the supply is available.
4. Individuals may be required to wear face coverings over their nose and mouth while attending a proceeding in any courtroom.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least two times per day.
2. Court building cleaning staff will clean the courtrooms at least one time during the business day 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 this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Jury Proceedings

1. In order to conduct an in-person jury proceeding a court must also:
 - a. to assist with coordination of local resources and to manage capacity issues, obtain prior approval, including a prior approved schedule, for the jury proceeding from the local administrative district judge or presiding judge of the municipal courts, as applicable;
 - b. consider on the record any objection or motion related to continuing with the jury proceeding at least seven days before the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding;
 - c. establish communication protocols to ensure that no court participants have tested positive for COVID-19 within the previous 10 days, have had symptoms of COVID-19 within the previous 10 days, or have had recent known exposure to COVID-19 within the previous 14 days;
 - d. include with the jury summons information on the precautions that have been taken to protect the health and safety of prospective jurors and a COVID-19 questionnaire to be submitted in advance of the jury selection that elicits from prospective jurors information about their exposure or particular vulnerability to COVID-19; and

- e. upon request by a prospective juror, excuse or reschedule any prospective juror who provides information confirming their COVID-19 infection or exposure or their particular vulnerability to COVID-19.
2. Judges may conduct remote jury proceedings without the consent of the parties—except inailable criminal cases—as long as the court considers on the record any objection or motion related to proceeding with the remote jury proceeding at least seven days before the proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding and ensures that all potential and selected petit jurors have access to technology to participate remotely.
 - a. In criminal cases where confinement in jail or prison is a potential punishment, remote jury proceedings must not be conducted without appropriate waivers and consent obtained on the record from the defendant and prosecutor.
 3. - Jury impanelment shall be conducted at an alternate county facility; to wit: Emergency Services Building, 3900 Morse Street, 1st floor, Denton, Texas, or a similarly configured location that provides for social distancing protocols. Said jury panels shall be summonsed on a more frequent basis to allow for smaller gatherings. County and District Court voir dire shall be conducted in the central jury room, or a similarly configured location that provides for social distancing protocols.

I have attempted to consult with all judges in the county (excluding municipal judges) regarding these minimum standard health protocols. Unless renewed or modified, this Order shall expire June 1, 2021.

Adopted on: 3/19/2021


Local Administrative District Judge



STATE DISTRICT COURTS, COUNTY COURTS AT LAW AND STATUTORY PROBATE COURT

DENTON COUNTY, TEXAS

IN-PERSON PROCEEDING SCHEDULE FOR THE DISTRICT COURTS, COUNTY COURTS AT LAW AND STATUTORY PROBATE COURT

WHEREAS, the Denton County District Courts, County Courts at Law and Statutory Probate Court strive to ensure the health and safety of litigants, attorneys, witnesses, visitors, court staff, judges, and other individuals entering the buildings housing the courts; and

WHEREAS, in compliance the Thirty-Sixth Emergency Order from the Texas Supreme Court, the judges with courtrooms in Denton County, have adopted the Denton County Judiciary Minimum Standard Health Protocols and;

WHEREAS, the District Courts, County Courts at Law and Statutory Probate Court shall make every effort to stagger in-person proceedings to limit the number of people in the courtroom; and

WHEREAS, the need to maintain flexibility in scheduling in-person proceedings is recognized; and

IT IS THEREFORE RESOLVED, that utilizing the Denton County Minimum Standard Health Protocols, each District Court, County Court at Law and Statutory Probate Court may schedule an in-person proceeding on the following days and times:

Monday	8:00 – 5:00
Tuesday	8:00 – 5:00
Wednesday	8:00 – 5:00
Thursday	8:00 – 5:00
Friday	8:00 – 5:00

Unless renewed or modified, this In-Person Proceeding Schedule shall expire June 1, 2021.