

2021 COVID-19 Minimum Health Standards Protocols for the El Paso County, Texas Judiciary March 22, 2021

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 El Paso County will implement the following protective measures at the courthouse:

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 continue to 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 may, in their discretion, exceed these Minimum Health Standards Protocols.

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: courthouse security will perform health checks upon entrance to the courthouse, and employees will inform supervisors or their judge if they manifest symptoms of COVID-19 or another illness or if they have had contact with a person with confirmed COVID-19, or traveled such that self-quarantine is required or warranted. A judge shall inform the Local Administrative Judge.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100°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 should seek medical advice.
4. Judges and court staff in the courthouse will be required to practice social distancing, wear face coverings in all common areas and if social distancing is not possible and practice appropriate hygiene recommendations at all time. These include handwashing for at least 20 seconds with soap and water between cases or may use a hand sanitizer that contains at least 60% alcohol.
5. Protective Measures: judges and court staff will continue to work remotely when feasible and in accordance with rotation schedules to continue the operation of the courts.

Scheduling

1. Jail inmate and probation plea videoconferencing dockets will continue as shown on Exhibit A. Judges may, when necessary, schedule in-person proceedings during the times allotted. These guidelines for the scheduling of court hearings are established to diminish the spread of COVID-19 and comply with the requirement of social distancing by reducing the number of individuals who need to be in the courthouse at any given time.
2. **Remote Hearings: court should continue to use all reasonable efforts to conduct as many proceedings as possible 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. **In Person Proceedings. In person proceedings may be held beginning April 1**, subject to the following limitations:
 - a. **Courts shall only be allowed to conduct in person hearings on their assigned day.** The assigned day for in person hearings for each court is set out on the Courthouse Schedule for In Person Hearings attached as Exhibit B. Proceedings should be staggered with no more than ten (10) per morning or ten (10) per afternoon.
 - b. Attorneys are encouraged to provide court coordinators (via email) with a list of parties, witnesses and support staff who will attend each in person hearing prior to the hearing. Attorneys are also strongly encouraged to discuss these rules with their clients and their families.
 - c. Social distancing will be required and strictly enforced. Since space is limited, non-essential individuals may not be able to enter the courtroom.
 - d. An in person proceeding may not be held if any of the participants is (1) symptomatic, (2) still in isolation, (3) residing in a household with another person who is positive for COVID-19, or (4) awaiting test results for COVID-19.
 - e. A court must require every participant in an in person proceeding to alert the court if the participant has, or knows of another participant who has: (i) COVID-19 or a fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea; or (ii) recently been in contact with a person who is confirmed to have COVID-19 or exhibiting the symptoms described above.
 - f. Upon request and good cause shown by a court participant other than a juror— including but not limited to a party, an attorney, a witness, or a court reporter—a court must permit the participant to participate remotely in any proceeding, subject to constitutional limitations.
 - g. A court will notify courthouse security when people will be entering the courthouse for an in person hearing or other essential matter.
 - h. Courts must provide for an open court and make accommodation for the public.
4. Courts and attorneys are strongly encouraged to protect vulnerable individuals and those who live with or take care of vulnerable individuals. Deposition testimony or video testimony is strongly encouraged for vulnerable individuals.
5. Jury trials may be scheduled with the approval of the Local Administrative Judge. Jury trials will follow the requirements of the Jury Trial Addendum adopted by the Courts on May 27, 2020, as amended on March 25, 2021.

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.
3. A notice with this information will be posted on the courts' websites.
4. Vulnerable populations who are scheduled for court will be accommodated by setting the proceeding to minimize contact with other populations potentially at a lower risk and more likely to be asymptomatic.

Screening

1. When individuals attempt to enter the court building, courthouse security officers admit participants scheduled for that day.
2. When individuals attempt to enter the court building, courthouse security officers 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. Signs are posted asking those who feel feverish, have a cough, shortness of breath or other COVID-like symptoms not to enter the courthouse.
4. 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°F will not be transported to the court building.
5. Staff who are screening individuals entering the court building will be provided personal protective equipment.

Face Coverings

All individuals entering the court building will be required to wear face coverings at all times unless otherwise requested by a judge, a law enforcement officer, justice of the peace or other court officer.

Social Distancing

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. No more than four (4) individuals who are NOT from the same household will be permitted in an elevator in the parking garage or the main courthouse elevator bank. If more than four (4) individuals from the same household are in an elevator, no other individuals will be allowed in the elevator.

Gallery

1. The maximum number of persons permitted in each courtroom must be determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
2. The gallery of the courtroom must be marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

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

Hand sanitizer dispensers have been placed with prominent signage at the entrances to the building, outside of elevators on each floor. Appropriate amount of trash cans or receptacles should be distributed throughout the building, near entrances and elevators and close to public restrooms, to avoid tissues and other contaminated trash to be dispersed on the floor or inappropriately disposed of. 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 or in a distributed flyer.

Water fountains are temporarily closed or restricted and the public should be informed. People may be allowed to bring their own water.

Handling of Evidence

Judges should direct participants to minimize direct contact with physical evidence and documents, and use a projection system to present admitted exhibits. Courts should offer gloves and/or sanitizer to anyone handling evidence.

Cleaning

1. Courthouse staff will clean the common areas of the court building so that common spaces are cleaned at least every four (4) hours. Restrooms will be cleaned and restocked according to an established schedule.
2. Court staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court staff have been provided cleaning supplies shown to be effective with this coronavirus.

Jail Magistrate Court

The Jail Magistrate Court is housed within the jail and subject to infectious disease protocols implemented by the Sheriff. Hearings will continue to be conducted remotely when possible, and requirements for face coverings and social distancing will continue.

I have attempted to confer with all judges of the county, district, probate, justice of the peace, and magistrate courts in El Paso County regarding these Minimum Health Standards Protocols. In developing the plan, I consulted with the local health authority and county judge. I will ensure that the judges of courts with courtrooms in the court building covered by this Minimum Health Standards Protocols conduct proceedings consistent with the plan and will monitor pandemic conditions and regularly consult with the El Paso Department of Public Health and county officials. If necessary to protect the health of the public, court officers, judges or county staff, I will revise, rescind and republish these protocols.

Date: Click or tap to enter a date.
03/23/2021

Linda G Chew

Local Administrative District Judge

Exhibit A

	Monday		Tuesday		Wednesday		Thursday		Friday	
	Jail	Plea Center	Jail	Plea Center	Jail	Plea Center	Jail	Plea Center	Jail	Plea Center
8AM - 10AM	243rd	MISD	409th	MISD	384th	MISD	346th	MISD	171st	MISD
10AM - 12PM	MISD	243rd	MISD	409th	MISD	384th	MISD	346th	MISD	41st
1PM - 3PM	DCR1	MISD	41st	210th /MISD	120th	MISD	205th	34th /MISD	168th	MISD
3PM - 5PM	Family	DCR1	210th	171st	384th Comp	120th	34th	205th	384th Comp	168th

EXHIBIT B

Courthouse Schedule for
In-Person Hearings

COURTS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3rd Floor					
JUSTICE OF THE PEACE #3	X				X
4th Floor					
CRIMINAL DISTRICT COURT #1	X				X
PROBATE COURT #2	X				
COUNTY CRIM. CRT. AT LAW #3		X		X	
409TH DISTRICT COURT		X	X		
448TH DISTRICT COURT			X	X	
6th Floor					
120TH DISTRICT COURT	X	X			
168TH DISTRICT COURT	X				X
171ST DISTRICT COURT			X	X	
327TH DIST COURT & TAX COURT			X		X
TITLE IV-D ONE COURT				X	
TITLE IV-D TWO COURT		X			
7th Floor					
346TH DISTRICT COURT		X		X	
COUNTY CRIM COURT AT LAW #1			X		X
COUNTY CRIM COURT AT LAW #2	X		X		
COUNTY CRIM COURT AT LAW #4		X		X	
8th Floor					
COUNTY COURT AT LAW #1			X	X	
COUNTY COURT AT LAW #2		X		X	
COUNTY COURT AT LAW #4	X		X		
COUNTY COURT AT LAW #5		X			X
COUNTY COURT AT LAW #7	X				X
9th Floor					
34TH DISTRICT COURT	X				X
243RD DISTRICT COURT		X		X	
384TH DISTRICT COURT			X	X	
388TH DISTRICT COURT	X		X		
ASSOC FAMILY COURT #1		X			X
JURY DUTY COURT					
10th Floor					
41ST DISTRICT COURT		X		X	
205TH DISTRICT COURT			X	X	
210TH DISTRICT COURT		X	X		
COUNTY COURT AT LAW #3	X				X
PROTECTIVE ORDER COURT	X				X
11th Floor					
65TH DISTRICT COURT		X			X
JUVENILE COURT			X		
383RD DISTRICT COURT	X			X	
COUNTY COURT #6 & TAX COURT		X		X	
ASSOC FAMILY COURT #2	X		X		
ASSOC FAMILY COURT #4		X			X
12th Floor					
PROBATE COURT #1		X			
EIGHTH COURT OF APPEALS					
TOTAL COURTS	14	16	14	14	13