



FILLMORE CITY JUSTICE COURT RISK RESPONSE PLAN

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Risk Phase Response Plan

INTRODUCTION

The purpose of this plan is to establish requirements and guidelines for the court to follow during the various phases of the COVID-19 pandemic. The Judiciary has generally used the four risk phases the Utah State Governor developed to guide the people of this state through stages of restrictions and recovery. The stages are Green (new normal), Yellow (low risk), Orange (moderate risk), and Red (high risk). The Judiciary recognizes, however, that the four risk phases may not always align with the concerns of the Judiciary, which is in a unique position to compel individuals to come to court. The Judiciary's Pandemic Response Plan has therefore been amended to include three phases: **Green (new normal), Yellow (low risk), and Red (moderate or high risk)**. The Judicial Council will, through administrative order, determine the risk phase of each court and will determine when a court may transition to a different phase. In making decisions, the Judicial Council will consider the Governor's executive orders addressing the phases of specific areas. The Judicial Council recognizes that different counties or court sites might be in different phases at any given time considering the spread of COVID-19 in any particular area.

When the Judicial Council issues an administrative order declaring a Yellow phase, in person proceedings may resume in any district or court if the Management Committee of the Judicial Council has approved the district's or court's plan to resume operations.

A checklist has been provided to guide courts in creating their plans. The checklist is found in Appendix A. Courts must complete the checklist and certify they have completed the checked items. In instances where one or more of the requirements do not apply to the circumstances of a particular court, the submission must include a brief explanation about why those requirements do not apply and were not addressed. Courts may submit any written materials they have created to implement their plans. Courts should consult with local partners, such as attorneys, law enforcement, corrections officials, and service providers, in creating plans. Courts should continue to keep partners informed about court operations and changes that occur. The safety of court personnel and patrons is the most important consideration through all risk phases of recovery. In formulating plans each court should bear in mind that COVID-19 can be transmitted even by asymptomatic individuals.

Courts will be required to submit regular reports affirming compliance with their plans. A standard report form will be provided. The form will indicate the items that must be verified and the frequency of verification.

The Judiciary will continue to abide by its Pandemic Response Plan, and the guidelines of the Centers for Disease Control, the Utah Health Department, and the World Health

Organization. The guidelines can be found at <https://www.cdc.gov/>, <https://health.utah.gov/>, <https://www.who.int/>.

IMPORTANT CONCEPTS TO BE CONSIDERED THROUGH YELLOW AND RED PHASES OF THE PLAN.

1. **Social Distancing.** Social distancing means maintaining a distance of at least six feet from others. It is imperative that social distancing be maintained throughout courthouses, including common areas, courtrooms, and workspaces. Floor markings, stanchions, and cones should be used in places where people might congregate, such as lines at security, waiting areas, or court counters.
2. **Personal Hygiene.** Courts should encourage patrons and require personnel to frequently wash their hands to prevent the spread of COVID-19. Hand sanitizer with at least 60% alcohol content may be used when frequent hand washing is not feasible. Courts must stock all restrooms with the materials necessary for hand washing, and courts must provide hand sanitizer near high use touch points and areas where court personnel interact with court patrons. Courts must certify that hand sanitizer, soap, and towels are available and will continue to be available throughout all risk phases.
3. **Sanitation.** Courts must ensure that high use touch points used by patrons and personnel are cleaned frequently. In courtrooms this includes chairs, tables, door handles, lecterns, counters, and microphones. In workspaces this includes door handles, tables, copiers, printers, other shared equipment, chairs, benches, and desks. In other areas of the courthouse this includes security bins, door handles, handrails, computers, benches, elevator panels, restrooms, and counter areas. Courts should take steps to eliminate or minimize high use touch points, such as by propping doors open in certain areas, removing unnecessary furniture, closing break rooms, removing drink stations, and eliminating shared use of equipment. All areas in courthouses must be deep-cleaned every night. Court room must be deep cleaned at night by the janitorial services on days that court has been held. Courts will be required to submit regular reports on cleaning efforts.
4. **Capacity Limits.** Each phase may involve limits on the size of gatherings. Courthouses must adhere to those limits in all areas, including courtrooms, meeting rooms, lobbies, breakrooms, and workspaces. The limits will be based on the amount of net occupiable space – which excludes built-in furnishings – necessary to maintain social distancing. The capacity limits can be determined by dividing the square footage in a particular area

by half and then dividing that number by 36. The capacity limits must be posted outside those areas.

- 5. COVID-19 Screening.** Any person who exhibits symptoms of COVID-19 may not be admitted to a courthouse. The symptoms of COVID-19 can be found on the above websites and include: fever, chills, cough, shortness of breath or difficulty breathing, abnormal fatigue, abnormal muscle or body aches, new loss of taste or smell, sore throat, congestion, or runny nose. Any person who has had sustained close contact with someone who has COVID-19 – even if those persons themselves are asymptomatic – may not enter a courthouse until the person has self-quarantined for 14 days from the date of last contact. Any person who has had COVID-19 may not enter a courthouse until the person has not experienced symptoms for at least 24 hours without the use of fever reducing medication or, if the person has been asymptomatic, until 10 days have passed since their positive test. The prohibitions apply to both personnel and patrons.

Courts must conduct COVID-19 screenings of patrons who enter courthouses. Screenings will be completed by the court security or the court clerk. The screenings will include asking standard questions and may include using touchless thermometers if they are available. Court must post notice of the requirements in conspicuous areas where people enter.

If a person is denied access to the courthouse, the person must exit through a path where contact does not occur with others. The person must be given information on how they may contact the court for further instructions. Court security must alert the presiding judge, TCE, or local court administrator when a person has been denied access.

Personnel will be required to conduct a self-check before coming to work. Personnel in any of the categories described above must contact their supervisor and must not report to work until the supervisor authorizes a return to work. The information about personnel and patrons must be kept confidential.

- 6. Vulnerable Persons.** Courts must provide accommodations to vulnerable persons including employees, patrons, and judges. Vulnerable persons include those who are 65 or older and those of any age who have any of the following underlying health conditions:
- chronic lung disease,
 - moderate to severe asthma,
 - serious heart conditions,
 - immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications,
 - severe obesity (body mass index [BMI] of 40 or higher),

- diabetes,
- chronic kidney disease undergoing dialysis, or
- liver disease.

Accommodations for patrons may include allowing them to appear remotely or having their case continued. Accommodations for employees may include allowing them to work remotely or having their work schedules altered or workspaces rearranged.

- 7. Face Coverings and Other PPE.** Face coverings are not a substitute for social distancing. Face coverings are to be used in conjunction with social distancing. Masks are the preferred face coverings, but other cloth materials that cover the nose and mouth may be used. The use of face coverings will be mandatory in certain circumstances, including for patrons entering the courthouse and whenever social distancing cannot be maintained. Employees and patrons will be encouraged to provide their own face coverings. Courts must have face coverings available for those who do not have one. Entrance will be denied to any patron who refuses to wear a face covering and a person may be removed from the courthouse if the person refuses to wear a face covering while in the courthouse. If a person is denied entrance or removed from a courthouse because of refusal to wear a face covering, the person must be provided information about how to contact the court for further instructions. Employees are required to wear face coverings in all areas except their private workspace, as long as social distancing can be maintained. If an employee is unable to wear a face covering due to an underlying health condition, management may arrange to allow the employee to work remotely until further notice. Managers and supervisors should contact Human Resources to collaborate on an alternative approach if remote work for employees with underlying health conditions becomes problematic. Courts will have gloves available for employees who want them. Courts must certify that sufficient personal protective equipment is available and will remain available throughout the Yellow and Red phases. Face coverings may be removed in workspace common areas provided social distancing can be maintained at all times.
- 8. Mail and Other Papers.** Courts must provide directions to court personnel on how mail, packages, and other materials received from others will be received and distributed. Options include having the mail or other documents sit for a period of time before handling, distributing face coverings and gloves, and/or requiring frequent handwashing.
- 9. Signage.** Courts must post notices at courthouse entrances and throughout courthouses informing patrons and employees of restrictions and requirements and guiding them as they navigate through the courthouse.
- 10. Contact Tracing.** Contact tracing is used to help reduce the spread of COVID-19. When a person tests positive for COVID-19, efforts are undertaken to determine where that person has been and the persons with whom the individual may have been near. When it

is discovered that a person who has tested positive for COVID-19 has been in the courthouse, the court must immediately contact the local health authority to begin contact tracing to determine where that person may have traveled in the courthouse and who may have been in contact with that person. Courts should provide employees with a contact tracing policy to provide assurances that steps will be taken in the event someone tests positive.

GREEN PHASE

Court operations are in a “new normal” during this phase.

- a. Court will use remote proceedings when it is the most effective use of time and resources;
- b. Employees may be offered more telework options;
- c. Courts will maintain a heightened awareness of hygiene and sanitation for patrons and personnel;
- d. Courts will continue to consider the needs and requests of vulnerable persons and provide reasonable accommodations;
- e. Business travel to an area where the CDC, WHO, or the Utah Department of Health recommends self-quarantine upon return is prohibited; and
- f. Personnel should notify supervisors when they will be traveling out of state for personal reasons. If the person travels to an area where the CDC, WHO, or the Utah Department of Health recommends self-quarantine upon return the person will be required to self-quarantine for 14 days upon return.

YELLOW PHASE

Personnel

1. COVID-19 Checks

Personnel must conduct a self-check for symptoms prior to leaving for work each day. Personnel must notify a supervisor via email that the self-check was done and what the results were. All results and emails will be kept private. Personnel who have been diagnosed with COVID-19 may not return to the workplace until the person has not experienced symptoms for at least 24 hours without the use of fever-reducing medication or when released from isolation or quarantine by the local health department in accordance with CDC guidelines. Personnel who are exhibiting any signs of COVID-19 must contact their supervisor and may not come to work without their supervisor’s consent. Personnel who have had sustained contact with someone diagnosed with COVID-19 may not come to work until 14 days have passed from the date of last contact, even if those individuals are asymptomatic. Court will provide touchless thermometers for personnel to regularly check their temperature.

2. Workspaces

- a. Personnel may work in the courthouses. Social distancing must be maintained at all times. This may require reconfiguring workstations to ensure that all

employees work at least six feet apart. Where possible, personnel will be permitted to work remotely.

- b. Furniture and equipment should be rearranged or removed as appropriate to ensure social distancing.

3. Accommodations

Courts will accommodate personnel who are impacted by school or daycare closures or who are taking care of family members who have COVID-19.

Accommodations could include telework or alternating work schedules and hours.

4. Face Coverings

Face coverings are mandatory in courtrooms, hallways, stairways, restrooms, breakrooms, and entryways. Face coverings may be removed in places such as offices and cubicles provided social distancing is maintained. Face coverings may be removed in common areas such as breakrooms as long as social distancing can be maintained at all times. A separate trash can and liners will be provided for the disposal of all used Personal Protective Equipment.

5. Vulnerable Persons

Vulnerable employees should not return to the courthouse and should be given work they can perform remotely. Vulnerable employees may return upon their request after consultation between the employee and the employee's supervisor, assisted by their human resources department.

6. Markings and Signs

- a. Court will consider creating one-way travel paths where feasible, and waiting queues for areas such as hallways, restrooms, and breakrooms using signage and floor markings to guide personnel.
- b. Signs must be posted in restrooms and work areas reminding personnel of social distancing requirements and proper hygiene.

7. Meetings

Meetings may be conducted in person if social distancing can be maintained and everyone wears a face covering. Personnel are encouraged to continue remote meetings.

8. Testing

Courts should consult their local health authorities to determine whether arrangements can be made for regular testing of employees.

9. Travel

- a.** Out-of-state business travel to an area where the CDC, WHO, or the Utah Department of Health recommends self-quarantine upon return is prohibited. In-state travel is restricted to that which is necessary.
- b.** Personnel should notify supervisors when they will be traveling out of state for personal reasons. If the person travels to an area where the CDC, WHO, or the Utah Department of Health recommends self-quarantine upon return, the person must self-quarantine for 14 days upon return.

Courthouses

1. Check in by Text

When defendants arrive at the courthouse, they will be required to remain in their vehicles and call into the court to notify personnel they are present. Defendants will receive notice of this process with their court notice, as well as signage in the parking lot. Defendant will be required to provide a return telephone number and phone carrier so that they may be texted by personnel to inform them as to when they may enter the building safely for screening.

2. Screening

Court security or court clerk must screen everyone who enters the courthouse. Security may accomplish this by asking the standard questions or posting notice of the restrictions and asking the person whether the person read them. Security will also use touchless thermometers.

3. Social Distancing

- a.** Courthouses must facilitate social distancing between all persons.
- b.** When possible, courts should create barriers of at least six feet between patrons and employees. Plexiglass may be used but is not a substitute for social distancing.
- c.** Court will use signage and markers to create travel paths and waiting areas as appropriate, such as dividing common areas with tape, barriers, stanchions, or cones, and providing directions to patrons about expectations. For areas in which patrons may be standing in line, such as court entrances or service counters, courts must place markers six feet apart where people must stand while waiting.

4. Face coverings

- a.** In order to enter the courthouse, patrons must wear face coverings and must continue to wear face coverings at all times while in the courthouse, unless a

judge permits removal during a court proceeding. Courts must post notice of the face covering requirement at entrances and provide face coverings to those who do not have one. If a person is denied entrance or removed from a courthouse because of refusal to wear a face covering, the person must be provided information about how to contact the court for further instructions. The court supervisor must be notified when a person is denied entrance.

- b. Personnel must wear face coverings while assisting patrons, such as at a front counter. Personnel may remove their face coverings when they are not assisting anyone, provided they comply with other provisions on face coverings and social distancing.

5. Contractors

Court contractors are required to wear face coverings. Courts will have the same screening processes for contractors as defendants before they enter court buildings. Courts must ensure those contractors follow the requirements of their courthouse plans and require those contractors to submit their own plans.

6. Accepting Payments and Papers

In order to accept payments and papers, employees should be offered the use of gloves, with appropriate instructions on their use and removal.

7. Ventilation Systems

Ventilation and filtration systems must be in working order to facilitate clean air and circulation.

Court Proceedings

1. In-Person and Remote Hearings

- a. Courts will conduct remote proceedings as much as feasible. In-person proceedings may be conducted provided social distancing can be maintained. Courts must limit the number of people in the courtroom to those who are required to be present for that proceeding, subject to capacity limits. The court may allow remote participation by those who are able to participate remotely. If others wish to view the proceedings, they will be given remote access.
- b. Vulnerable persons may not be required to attend any court proceedings and, if feasible, courts may allow anyone who expresses health concerns to appear remotely.
- c. The Judicial Council and the Supreme Court will issue administrative orders as necessary to establish criteria for those hearings and to provide other guidance to courts.

- d. Court will provide a computer in a room in the courthouse where those who do not have a computer can participate remotely.
- e. The number of people in a courtroom may not exceed capacity limits, which is one person for each 36 square feet of net occupiable space, which excludes built-in furnishings. Court will provide waiting areas where social distancing can be maintained.
- f. Court must have signs or staff available to provide instructions and direct patrons through travel paths and to waiting areas.
- g. Court will use signage, markers, stanchions, or cones to create travel paths. Patrons should be instructed on where they may walk, sit or wait.
- h. Furniture must be arranged as much as possible to facilitate social distancing.
- i. Courts should minimize the shared use of equipment.
- j. Defendants will be encouraged to complete and submit their paperwork needed for their hearing online or through the mail prior to their court date. If the defendant needs to complete their paperwork at the courthouse prior to their hearing, gloves and hand sanitizer will be provided. Defendant will place completed paperwork in a separate box so there will not be any hand-to-hand transfer. Any sentencing sheets or other paperwork completed during court hearings will be emailed to the parties involved.
- k. Surfaces and equipment must be sanitized after each hearing, or at least at regular intervals, to help ensure that individuals are not required to touch areas that have not been cleaned after use by others. Hand sanitizer must be available in each courtroom near high use touch points, such as tables and doors. Court clerk and/or judge will sanitize any areas that may have been used and/or touched after each defendant. Court will eliminate any high use touch points as much as possible.

2. Jury Trials and Bench Trials

Court must comply with the requirements and guidelines developed for their court level. If a provision in any of those plans conflict with this plan, the provision in this plan must be followed. Please see separate resource titled “Criminal and Civil Trial Recommendations for District and Justice Courts.”

3. Prioritizing Proceedings and Scheduling

- a. Court will create plans prioritizing case types for in-person proceedings.
- b. Court must schedule specific hearings at specific times, as opposed to large general calendars, to minimize the number of people in the courthouse at any given time and to avoid people congregating in waiting areas. Mission-critical type cases will take priority when scheduling.

4. Notices to Attorneys and Patrons

- a. Court notices must inform patrons of prevention measures and court contact information by referring patrons to the web page where the court's plan can be found.
- b. Court will notify prosecutors, defense counsel, court security and other participants that the court expects strict compliance with court schedules.
- c. Prosecutors and Defense Attorneys will be encouraged to conference with each other and defendants prior to court hearing so that cases may be resolved quickly and more efficiently.

5. Face coverings

Face coverings are required in courtrooms, except that a judge may allow a person to remove their face covering when social distancing can be maintained, or in circumstances when it is necessary to effectively communicate and when it is necessary for identification or to observe a person's facial reactions. Social distancing must be maintained if face coverings are removed. Courts should take recesses as necessary to provide breaks from wearing face coverings. Judge may wear a face shield for more efficient communication as there is enough distance between the defendant and judge.

6. Interpreters

- a. When an interpreter is needed, the court should first consider allowing remote interpretation, in order to facilitate social distancing. Remote equipment can include cell phones and headsets.
- b. If remote interpretation is not feasible, an interpreter may be in the courtroom and social distancing must be maintained. If necessary, for effective interpreting, the court should not require the interpreter or the person for whom interpretation is being done to wear a face covering.
- c. If an observer, such as a victim, requires an interpreter and the courtroom has reached capacity limits, that person should be provided a room in the courthouse where the proceedings may be observed, and remote interpretation should be provided.

7. Exhibits

Judge will require parties to provide opposing parties with exhibits and handouts in advance of hearings to avoid the exchange of materials in the courtroom. If paper is to be transferred during a proceeding there should not be hand-to-hand transfer and should instead be placed in an area for others to retrieve. Hand sanitizer or gloves will be available in those areas.

file the pleading by mail or in-person, but the court must accept the filing by email if the person chooses to do so.

RED PHASE

1. Continuation of Yellow Phase Restrictions

Subject to the provisions below, the restrictions and requirements in the yellow phase will apply when personnel and patrons are required to be in the courthouse.

2. Personnel

- a. Personnel will work remotely except those who have been designated as essential to maintain a minimum courthouse presence for public service.
- b. Personnel will be granted leave or required to use accumulated leave according to local human resources department policies as circumstances dictate.

3. Courthouses

All court patrons, including parties and attorneys, will interact with the court system remotely unless exigent circumstances require in-person contact. A person may file documents in existing cases electronically, including by email.

4. Court Proceedings

- a. Courts must continue all mission-critical functions. All court hearings will be conducted remotely unless a party can persuade the court that doing so would be highly prejudicial to the person's case, or if there are other exigent circumstances that require an in-person hearing.
- b. At their discretion, judges may continue any matter into the future except for in-custody criminal cases.
- c. The Judicial Council and the Supreme Court will issue administrative orders as necessary to establish criteria for those hearings and to provide other guidance to courts.
- d. If exigent circumstances require an in-person hearing, the proceeding must be limited to those who are required to attend and the requirements in the Yellow phase apply. Social distancing must be maintained and surfaces and equipment must be thoroughly sanitized after each use. Anyone who is able to participate remotely must be allowed to do so.

Resources

Utah Judiciary Alerts Webpage includes:

- All state and local judicial orders
- Individual courthouse status
- Information regarding filing documents
- COVID-19 information
- Notices regarding domestic cases
- Community information flyers for partners and partner organizations
- Frequently asked questions <https://www.utcourts.gov/alerts/>

Utah Judiciary Pandemic Influenza Response Plan

https://www.utcourts.gov/intranet/security/docs/Pandemic_Response_Plan.pdf

Governor Gary Herbert's Coronavirus Website

<https://coronavirus.utah.gov/>

Utah state and local orders and directives <https://coronavirus.utah.gov/special-orders/>

CDC guidance on COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

CDC guidance on self-care during a pandemic

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

CDC guidance for social distancing

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

CDC guidance on vulnerable persons during a pandemic

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

CDC guidance for businesses and workplaces

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businessesemployers.html>