

**Washtenaw County District Courts and
Trial Court – Plan to Return to Full Capacity:
Phase Three**

C22 2021-02J; rescinds C22 2020-15J
P81 2021-02J; rescinds 2020-15J
D15 2021-01J; rescinds 2020-11J
D14A 2021-03J; rescinds 2020-11J
D14B 2021-01J; rescinds 2020-08J

Effective Date: March 12, 2021

PLAN TO RETURN TO FULL CAPACITY: RETURN TO PHASE THREE

IT IS ORDERED:

In accordance with Administrative Order 2020-14, effective May 6, 2020, and upon approval of the State Court Administrative Office (SCAO), the chief judges of the 15th District Court, 14A District Court, 14B District Court and Washtenaw County Trial Court have consulted with the local health department and determined that gating criteria for return to Phase Three is satisfied as of August ____, 2020 (see attached). Specifically:

1. The 15th District, 14A District, 14B District and Washtenaw County Trial Courts began Phase One of the Return to Full Capacity process on June 1, 2020. On June 15, 2020, 15th District, 14A District, 14B District and Washtenaw County Trial Courts entered Phase 2 and, thereafter, on June 29, 2020, the 15th District, 14A District, 14B District and Washtenaw County Trial Courts entered Phase 3 of the Return to Full Capacity process. Thereafter, due to an increase in COVID-19 cases in Washtenaw County, the 15th District, 14A District, 14B District and Washtenaw County Trial Courts returned to Phase 2 on July 20, 2020 and thereafter, due to a positive shift in numbers in Washtenaw County, the 15th District, 14A District, 14B District and Washtenaw County Trial Courts returned to Phase 3 on August 12, 2020. Thereafter, due to a tremendous increase in COVID-19 cases in Washtenaw County, the 15th District, 14A District, 14B District and Washtenaw County Trial Courts returned to Phase 2 on October 26, 2020; and
2. [There have been no COVID-19 confirmed or suspected cases in the court facility within a 14-day period] OR [Confirmed or suspected cases have occurred in the court facility, but deep cleaning of exposed areas and applicable employee self-quarantine actions have been taken]; and,
3. [There is a downward trajectory of documented cases within a 14-day period] OR test positivity rate and a 7 day percent positivity rate of 5 percent or less; and,
4. State and local orders restricting movement and/or requiring shelter-in-place have been rescinded or limited and the SCAO has determined that existing orders would not prevent the court from implementing Phase Three requirements; and,

5. The chief judges have consulted with health authorities confirming that regional health care facilities are able to treat all patients without crisis care; and,
 6. The chief judges have consulted with health authorities confirming that there is no evidence of COVID-19 rebound within the local community and no need to implement additional social distancing measures based upon a resurgence of infections in the local area.
- A. In order to protect the health and safety of employees and the public, the 15th District, 14A District, 14B District and Washtenaw County Trial Courts have enacted the following protections:
1. Normal staffing will resume at worksites.
 2. Vulnerable employees on temporary leave or working remotely may return to work and practice six-foot physical distancing, wearing masks at all times unless they are in an office by themselves or conducting a court hearing in a manner consistent with the SCAO Return to Full Capacity Guide. Minimizing exposure to social settings where social distancing is not possible is encouraged.
 3. Personal travel should take into account the necessary travel precautions and employees are fully aware of the potential for quarantine requirements upon return.
 4. Employees in court facilities will maintain social distancing of six feet at all times and wear masks when six-foot physical distance cannot be maintained in a manner consistent with the SCAO Return to Full Capacity Guide. Each court has taken the following steps to ensure proper social distancing and employee safety:
 - a. Limited capacity in common areas, break rooms and meeting rooms so that a minimum of 6 feet of social distancing is maintained.
 - b. Placed physical barriers between workspaces that are not at least six feet apart.
 - c. Marked the floor in common spaces to indicate six-foot intervals.
 - d. Required employees to wear masks while in public spaces.
 - e. Employees handling mail will wear masks and will practice frequent hand washing (gloves are optional).
 - f. Placed barriers between clerk counters and the public to ensure additional screening.
 - g. Providing PPE for all employees including masks, gloves, spray disinfectant, and hand sanitizer.
 5. Employees will practice good hygiene through hand washing, frequent disinfecting of used items and surfaces, sneezing or coughing into a tissue or elbow, and avoiding touching their faces.
 6. Employees have been trained regarding COVID-19. The training included good hygiene practices, updated personnel policies, and safety controls at the court facilities.
 7. Court facilities have posted signage emphasizing proper handwashing.
 8. Newly exposed areas (e.g. areas recently opened to the public or returning staff) and shared equipment will be cleaned and sanitized before use. Examples of shared equipment include copiers, fax machines, and telephones used by more than one employee during a

single shift or in consecutive shifts. This equipment should be wiped down with disinfectant or a disinfectant wipe between uses.

9. The court is following the CDC guidance on cleaning and disinfecting if the facility is exposed to COVID-19.
10. The court has developed a contact tracing policy and is prepared to implement contact tracing procedures after receiving notification that the court facility has had confirmed exposure to COVID-19. These procedures will help the court identify individuals who may have been exposed to COVID-19 and will identify exposure locations that need to be cleaned and disinfected pursuant to CDC guidelines.

B. The 15th District, 14A District, 14B District and Washtenaw County Trial Courts are maintaining the following measures related to public entry into court facilities:

1. The public will be asked to self-screen using posted screening questions prior to entering the court building. Screening questions will include, but are not limited to the following:
 - a. Do you have a fever greater than 100.4 degrees? [If a touchless/contactless thermometer is available, it will be used].
 - b. Do you have a cough or worsening cough (excluding chronic cough due to known medical reason)?
 - c. Do you have shortness of breath?
OR
 - d. Do you have at least two of the following symptoms:
 - Fever
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
 - e. Have you had any close contact in the last 14 days with someone diagnosed with COVID-19?
 - f. Have you traveled internationally in the last 14 days?

Any individual responding “yes” to the screening questions will not be allowed to enter the courthouse. Screening personnel will notify the court of any individual who does not pass the screening procedure. If the person came to the court to file documents, the court will accept those documents for filing. If the person was scheduled to appear as a party or witness in a court proceeding, the court will work to reschedule the hearing/trial as a remote proceeding or to a future date when the person may pass courthouse screening. The court must provide appropriate personal protective equipment (PPE) to any personnel responsible for in-person screening.

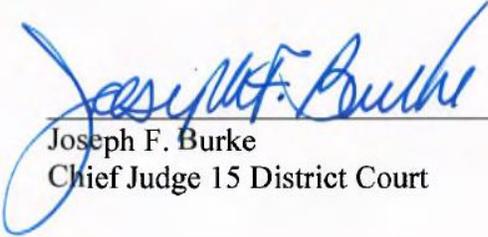
C. In order to facilitate increased activity in the courthouse, the courts are using the following measures related to court proceedings:

1. Proceedings will be conducted virtually to the maximum extent possible, consistent with Administrative Order No. 2020-6.
2. In-person court proceedings will be allowed on a limited basis. Capacity will be limited in the courtroom so that 6 feet of social distancing is maintained and all members of the public must wear a mask.
3. Off-site visits with probationers and clients may resume. All members of the public and the court staff must wear a mask and appropriate PPE measures will take place, including 6 feet of social distancing.
4. Large venues and common areas in the courthouse (e.g. waiting areas, sit-down dining, etc.) will not be open for use in a manner that cannot support social distancing of at least 6 feet. Members of the public and staff are required to wear facemasks to the extent they can medically tolerate it in a manner consistent with the SCAO Return to Full Capacity Guide.
5. Pursuant to MCR 8.110(C), members of the public or staff who refuse to wear required face coverings in a manner consistent with the SCAO Return to Full Capacity Guide or adhere to social distancing requirements may be asked to leave the court facility.
6. Any member of the public who is asked to leave the court facility must be offered an opportunity to conduct court business virtually, attend court proceedings virtually, file documents in an alternative manner, or confer with court administration to determine alternate arrangements for accessing the court.
7. The 15th District, 14A District, 14B District and Washtenaw County Trial Courts are regularly meeting with local public health officials to monitor local public health conditions related to COVID-19 and are continuously evaluating data to assess their readiness to proceed to Phase Four, which is anticipated when a public health announcement is made that COVID-19 has been suppressed within the United States.

Dated: 3/12/2021



Carol Kuhnke
Chief Judge Washtenaw County Trial Court
Chief Judge 14A District Court



Joseph F. Burke
Chief Judge 15 District Court



Erane Washington
Chief Judge 14B District Court