

## **COVID-19 Operating Plan for The City of Del Rio, Val Verde 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 Municipal Court of the City of Del Rio, Val Verde County Texas 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, 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 use all reasonable efforts to conduct proceedings remotely.
  - a. Subject to technology requirements, video or hybrid proceedings will be offered to persons when appropriate but shall not be mandated.
  - b. Subject to technology constraints, a schedule for video hearings will be developed and published. Bench trials may be conducted by video or hybrid hearings upon the consent of the parties and the court.
  - c. Bench trials with evidence that may not be appropriate for a video or hybrid trial may be denied by the court until such time as an in-person trial can be commenced.
  - d. Upon motion by either party supported by good cause, or upon the court's own motion, a video or hybrid hearing may be recessed until such time as it may be resumed in-person, and the same shall re-commence without unnecessary delay.
  - e. Unless mandated by an entity having proper jurisdiction over this court, no jury trial will be held using a video or hybrid format.
3. The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and adjust this operating plan as necessary with conditions in the city.
4. Judges will begin setting non-essential in-person proceedings no sooner than 2 weeks following approval of this plan by the Regional Administrative Judge.
5. Jury Trials are postponed until further notice. Jury Trials will be docketed when it is safe to do so, and in accordance with guidance from the Office of Court Administration.

## **Judge and Court Staff Health Internal Procedures**

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible. At this time the presiding judge of this court has determined that no court personnel can adequately perform via tele-work the essential functions of a fully operational court.
2. **Judge and Court Staff Screening Requirements:** Monitoring will take place in a private area.
  - a. **Symptoms:** A poster listing the (then-current according to CDC) symptoms of COVID-19 shall be affixed to a wall in the screening area. The employee will be asked by the supervisor to read the list. The supervisor will then ask the employee how many, if any, of the symptoms the employee has experienced in the preceding 12 hours. The employee need not identify the symptom to the screener, and if disclosed shall not become part of any record. If the employee reports two or more symptoms, the employee will be dismissed with instructions to contact their health provider.
  - b. **Fever:** At the beginning of each workday and upon returning from lunch, all staff will be checked by a supervisor using an infrared thermometer. If the reading exceeds 99.6°F /37.5°C it shall be repeated after one minute. If the second reading equals or exceed 99.6°F /37.5°C the staff member will be dismissed with instructions to contact their health provider
  - c. **Return to Work:** Any person sent home shall contact a healthcare provider to obtain medical advice and shall not return to work without a release from a physician, physician's assistant, or a nurse practitioner.
  - d. **Documentation & Reporting:** The screening of each staff member will be memorialized by an entry in a daily log. The log will list the employee's name, date and time of the screening, and whether the employee passed or failed the screening. No other notes or protected health information will be recorded. Failed screenings will be reported to the Municipal Judge, or if the Judge is unavailable, to the Director of Human resources, for further action consistent with local procedure.
3. **Protective Measures:**
  - a. Judges and staff shall practice adequate social distancing according to local, state, or federal guidelines, whichever controls.
  - b. Judges and court staff will be required to wear face coverings when interacting with each other or the public. Masks need not be worn by persons working alone in an office or other enclosed private workspace.
  - c. Judges and court staff shall practice enhanced personal hygiene including frequent hand washing, use of tissues, and appropriate use of hand sanitizer. Hand sanitizer is to be used as a supplement to frequent hand washing, not as a substitute.

## **Scheduling**

1. The following court schedules are established to reduce occupancy in the court building:
  - a. Initial Appearances:
    - i. Day Shift: Persons issued citations by the DRPD Patrol Day shift or Traffic Division shall be given an initial appearance of 10:00 AM on the **Tuesday** following the tenth day following the date of the citation.
    - ii. Night Shift/Code Enforcement: Citations or Notices to Appear issued by the DRPD Patrol Night Shift or Del Rio Code Enforcement Division personnel shall be given an initial appearance of 10:00 AM on the **Wednesday** following the tenth day following the date of the citation.
  - b. Juvenile matters: Juvenile docket will be held once per month. Only the juvenile and one parent/guardian will be allowed in the court facility. Parties will be offered the opportunity to remain in their vehicles until called or texted to enter the building. Those appearing thusly will come in the side door adjacent to the well and will proceed directly to the podium.
  - c. Juvenile matters may be continued upon request of either party, or upon the court's own motion. Rules regarding continuances will be liberally construed by the court.

## **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 on the courts' websites and in conspicuous locations around the court building (a copy of which is attached as Exhibit A).
3. Vulnerable populations who are scheduled for court will be accommodated by
  - a. By special setting or
  - b. A liberal continuance policy.

## **Social Distancing & Screening**

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 6 feet. No more than two persons from one household will be permitted in the courtroom without permission of the judge then presiding upon good cause shown.

- ~~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. N/A~~
3. Each restroom in the municipal courthouse is designed for single occupancy. All efforts will be made to sanitize public restroom after each use. The staff restroom will be sanitized frequently.
4. To accommodate persons appearing in court the following precautions will be observed:
- a. No visitor shall enter the courthouse unless they are wearing a face covering that fully covers the face and mouth.
  - b. On court days
    - i. Visitors shall wait in line no less than six feet apart. Depending upon weather conditions, persons waiting shall either wait on the sidewalk, or at the back of the court room. Six-foot intervals will be demarcated with tape or a similar highly visible marking.
    - ii. On non-trial days, the podium shall be placed a minimum of six feet from the bench. Only the bailiff may pass documents to and from the bench. Under no circumstances shall a defendant approach the bench or clerk.
    - iii. Each visitor shall be screened by a bailiff or court staff.
      1. Symptoms: A poster listing the (then-current according to CDC) symptoms of COVID-19 in English and Spanish will posted. The visitor will be asked by the screener to read the list. The screener will then ask the visitor how many, if any, of the symptoms the visitor has experienced in the preceding 12 hours. If the visitor reports two or more symptoms, the visitor will be denied entry and encouraged to seek medical advice.
      2. Fever: Visitors will be screened using an infrared thermometer. If the reading exceeds 99.6°F /37.5°C it shall be repeated after one minute. If the second reading equals or exceed 99.6°F /37.5°C the visitor will be denied entry and encouraged to seek medical advice.

**IT IS STRONGLY RECOMMENDED THAT INFANTS AND CHILDREN  
DO NOT COME INTO THE COURTROOM**

**Only one toddler and one infant may accompany a parent.**

**Any child old enough to walk must be wearing a mask and must be screened.**

**The parent may answer health screening questions for the child.**

- iv. Parties will be offered the opportunity to remain in their vehicles until called or texted to enter the building. Those appearing thusly will come in the side door adjacent to the well and will proceed directly to the podium.
- c. On non-court days, or during periods when no court is scheduled
  - i. Only one visitor at a time will be admitted to the lobby. Infants and toddlers will be permitted with a parent.
  - ii. All visitors shall wear a face covering. Infants need not be masked. Children old enough to walk must wear a face covering and shall be instructed to stand behind their parent.
  - iii. On the sidewalk outside the entrance, six-foot intervals will be demarcated with tape or a similar highly visible marking. Signs will be posted advising the public of the rules.
  - iv. Due to existing barriers, and limiting visitors to one at a time inside, it is not deemed necessary to screen each person entering the lobby. This policy may be changed at any time and from time to time to adapt to best practices at the discretion of supervisory personnel.

## 5. Seating

- a. Gallery:
  - i. The maximum capacity of the courtroom and social distancing requirements will be monitored and enforced by the bailiff or court staff.
  - ii. No more than six visitors not on a docket will be permitted in the gallery of the courtroom. Those six visitors may occupy seats along the side of the courtroom. If six persons cannot be accommodated because the number of people present who appear on the docket would exceed the maximum occupancy, those six seats will be adjusted accordingly.
  - iii. The maximum capacity of the courtroom will be monitored and enforced by court staff. The seating in the gallery of the courtroom shall be arranged so that there is a minimum of six feet between chairs in a row, and a minimum of six feet between rows.
- b. Bench: The witness stand, judge's bench, clerk, and bailiff seating shall be arranged in such a way so that there is social distancing of at least 6 feet between each space.
- c. Well:
  - i. On trial days the counsel tables shall be arranged in such a way so that there is social distancing of at least 6 feet between each table.
  - ii. Because of the unique relationship between attorney and client, attorneys may sit as close to their clients as they deem fit, provided however that neither of them shall remove their face coverings. Attorneys and clients are encouraged

to distance themselves, and seating shall be arranged to accommodate this suggestion.

- iii. Only attorneys and parties may occupy counsel tables. Non-attorney staff may not sit at counsel tables without the express permission of the judge who shall permit it at his or her absolute discretion.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrance to the lobby at the visitors' service window, at the podium, and when in use, counsel tables and witness stand.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and at the visitors' service window.
3. 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**

- a. On court days each visitor shall be screened by court staff or a bailiff.
  - i. Symptoms: A poster listing the (then-current according to CDC) symptoms of COVID-19 in English and Spanish will be posted. The visitor will be asked by the screener to read the list. The screener will then ask the visitor how many, if any, of the symptoms the visitor has experienced in the preceding 12 hours. If the visitor reports two or more symptoms, the visitor will be denied entry and encouraged to seek medical advice.
  - ii. Fever: Visitors will be checked by a supervisor using an infrared thermometer. If the reading exceeds 99.6°F /37.5°C it shall be repeated after one minute. If the second reading equals or exceeds 99.6°F /37.5°C the visitor will be denied entry and encouraged to seek medical advice.

**IT IS STRONGLY RECOMMENDED THAT  
INFANTS AND CHILDREN DO NOT ENTER THE COURTROOM**

**Only one toddler and one infant may accompany a parent.**

**Any child old enough to walk must wear a mask and be screened.**

**The parent may answer health screening questions for the child.**

- iii. Parties will be offered the opportunity to remain in their vehicles until called or texted to enter the building. Those appearing thusly will come in the side door adjacent to the well and will proceed directly to the podium.

- b. On non-court days, or during periods when no court is scheduled

- i. Only one visitor at a time will be admitted to the lobby. Infants and toddlers will be permitted with a parent.
- ii. All visitors shall wear a face covering. Infants need not be masked. Children old enough to walk must wear a face covering and shall be instructed to stand behind their parent.
- iii. On the sidewalk outside the entrance, six-foot intervals will be demarcated with tape or a similar highly visible marking. Signs will be posted advising the public of the rules.
- iv. Due to existing barriers, and limiting visitors to one at a time inside, it is not deemed necessary to screen each person entering the lobby. This policy may be changed at any time and from time to time to adapt at the discretion of supervisory personnel.

### **Face Coverings**

1. All individuals entering or seeking to enter the court building MUST wear face coverings at all times. The face covering should fully cover the nose and mouth.
2. Individuals shall provide their own face coverings. ***Subject to supply constraints, persons in custody, or compelled by process to appear, who do not have masks, will be provided a disposable face mask, if a disposable mask is not available, the person shall be commanded to appear at a later date.***
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical-type masks and required to wear them while in the court building, if the supply is available. If the supply is not available, those individuals will continue to wear the face covering they are already wearing.

### **Cleaning**

1. Court building cleaning staff will clean the lobby of the court building so that the high-touch surfaces of the common spaces are sanitized at least every 30 minutes.
2. Court building cleaning 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 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.
5. On court days, the podium (and on trial day, counsel tables) will be sanitized after every case.

### **Required Consultations**

I have conferred with the Alternate Judge and Municipal Court Supervisor regarding this Operating Plan. In developing the plan, I consulted with the local health authority and mayor, documentation of which is attached to this plan. The regional health authority was provided a copy of this plan, and she deferred to the Local health Authority. The local health Authority was provided with a copy of this plan, but not communicated with the court even after notice that such silence would be construed as tacit approval. Accordingly, I consider the consultation requirement satisfied. Records of the consultation and offers to consult are attached as Exhibit B. I will ensure that the judges of this court shall conduct proceedings consistent with this Operating Plan.

**Safety Plan**

This COVID Operating Plan is hereby incorporated into and made a part of the *Court Safety & Security Plan for the City of Del Rio Municipal Court* and as such shall serve as the basis for any similar measures taken in response to future pandemics.

Date: 6/8/2020



---

Hon. Eric M. Bayne  
Presiding Judge of Municipal Court



EXHIBIT A

<b>NOTICE TO VULNERABLE PERSONS</b>	<b>INFORMACIÓN A PERSONAS VULNERABLES</b>
<ol style="list-style-type: none"> <li>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 persons.</li> <li>2. Vulnerable Persons may make special arrangements to have their cases heard individually by appointment.</li> <li>3. Vulnerable persons will also be allowed to postpone their appearances without increased monetary penalty until the increased health risk to vulnerable persons because of the COVID-19 pandemic is sufficiently abated.</li> <li>4. Vulnerable person are encouraged to contact the Court to discuss options.</li> </ol>	<ol style="list-style-type: none"> <li>1. Personas mayores de 65 años y personas que padecen problemas de salud serios tales como: Alta presión, enfermedades pulmonares crónicas, diabetes, obesidad, asma y personas cuyo sistema inmunológico se encuentre debilitado por quimioterapia para cáncer u otras condiciones que requirieran de esta terapia son consideradas como personas vulnerables.</li> <li>2. Estas personas pueden hacer cita para llevar a cabo sus audiencias de manera individual.</li> <li>3. A las personas vulnerables se les permitirá posponer su audiencia sin costo alguno hasta que se determine que el riesgo de salud por la pandemia de COVID-19 se ha abatido.</li> <li>4. Se solicita a las personas vulnerables, hagan contacto con la corte para conocer sus opciones.</li> </ol>