



Berrien County Trial Court

Mabel Johnson Mayfield, Chief Judge ~ Carrie Smietanka-Haney, Administrator
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Plan to Return to Full Capacity – Phase One (Return from Previous Phase)

Local Administrative Order 2020-10

In accordance with Administrative Order 2020-14, effective May 6, 2020, and upon approval of the State Court Administrative Office (SCAO), the chief judge of the Berrien County Trial Court has consulted with the local health department and determined that gating criteria is satisfied as of 11/17/2020. Specifically:

There is an upward trajectory of documented cases for a 14-day period, OR an upward trajectory of positive tests as a percent of total tests for a 14-day period,

AND The COVID-19 test positivity rate is 15 percent or higher.

In order to protect the health and safety of employees and the public, the trial court has enacted the following protections:

1. Employees will self-screen for COVID-19 symptoms. Employees who feel sick or have any COVID-19 symptoms will not report to work. Employees who feel sick or display symptoms at work will be sent home.¹
2. Court employees have been surveyed and those employees who have self-identified as a vulnerable employee and unable to return to work have been offered appropriate accommodations, including the ability to work remotely if their job lends itself to remote work.
3. To the extent possible, court employees who can work remotely will be allowed the opportunity to work remotely.
4. Employees should wear face coverings in court facilities at all times unless six foot social distancing is guaranteed. The court has taken the following steps to ensure proper social distancing and employee safety:
 - a. Placed physical barriers between workspaces that are not at least six feet apart.
 - b. Marked the floor in common spaces to indicate six-foot intervals.

¹ Guidance on COVID-19 symptoms is evolving rapidly. The most up-to-date information about symptoms of COVID-19 are available on the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

- c. Required employees to wear masks while in public spaces.
 - d. Required employees handling mail to wear masks and gloves.
 - e. Implemented alternate work schedules to reduce crowd size and risk of exposure.
 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 will not travel for nonessential court business.
 7. Quarantine and/or isolation requirements will be implemented consistent with the most current guidance from the Centers for Disease Control and/or local public health officials.
 8. Employees have been trained regarding COVID-19. The training included good hygiene practices, updated personnel policies, and safety controls at the court facilities.
 9. Court facilities have posted signage emphasizing proper handwashing.
 10. Shared equipment will be cleaned and sanitized before each 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.
 11. The court is following the CDC guidance on cleaning and disinfecting if the facility is exposed to COVID-19.
 12. 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.
- A. The trial court is enacting the following measures related to public entry into court facilities:
1. The public will be screened by court personnel or security 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, a temperature check is strongly recommended in lieu of verbal confirmation.]

- 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 with a COVID-19 diagnosis?
- f. Have you traveled internationally in the last 14 days?

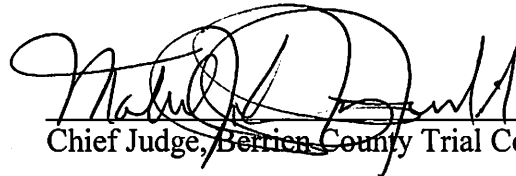
Any individual responding “yes” to the screening questions will not be allowed to enter the courthouse until they can pass the screening questions. Screening personnel will notify the court of any individual that does not make it past screening. The court will accept documents for filing from the person. If the person was scheduled to appear as a party a court proceeding, the court will work to reschedule the hearing/trial to either 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.

- B. In order to facilitate the business of the court, the court is enacting 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 proceedings are limited to those where there is a statutory or constitutional right that has not been waived.
 - 3. In-person court proceedings will be limited to no more than ten people or any number that ensures six-foot social distancing at all times. Face coverings will be required in court in a manner consistent with the SCAO [Return to Full Capacity Guide](#). They will be provided by the court prior to entry.
 - 4. Offsite in-person visits with probationers and clients will be discontinued or limited to the greatest extent possible.

5. Pursuant to MCR 8.110(C), members of the public or staff who refuse to wear required face coverings 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.

The trial court is regularly meeting with local public health officials to monitor local public health conditions related to COVID-19.

Date: December 17, 2020


Chief Judge, Berrien County Trial Court