



# *Berrien County Trial Court*

Mabel Johnson Mayfield, Chief Judge ~ Carrie Smietanka-Haney, Administrator  
Courthouse – 811 Port Street, St. Joseph, MI 49085  
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[www.berriencounty.org](http://www.berriencounty.org)

## **Plan to Return to Full Capacity – Phase Three Forward**

Administrative Order 2021-02

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 February 25, 2021. Specifically:

1. 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,
  2. There is 7-day average of 5% or less for positive tests as a percent of total tests; and
  3. There is a downward trajectory of documented cases within a 14-day period 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 State and local orders restricting movement and/or requiring shelter-in-place have been rescinded or limited and the SCAO has determined that existing orders would not prevent the court from implementing Phase Three requirements; and,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 judge has consulted with health authorities AND obtained data (attached) confirming that regional health care facilities are able to treat all patients without crisis care; and,
  6. The chief judge has consulted with health authorities AND obtained data (attached) 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 Trial Court has 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 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. Face coverings for employees will be required in a manner consistent with the SCAO [Return to Full Capacity Guide](#). 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.
    - c. Required employees to wear masks while in public spaces.
    - d. Required employees handling mail to wear masks and gloves.
    - e. Implemented staggered shifts of employees to reduce crowd size and the risk of people gathering at start and close times.
    - f. Implemented a work from home policy.
  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 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?
  - 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.

- C. In order to facilitate increased activity in the courthouse, 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 court proceedings will be allowed on a limited basis.
    - a. Only parties to a case or those under subpoena will be allowed.
    - b. All participants will be required to wear a face covering.
    - c. The maximum capacity of each courtroom based on maintaining social distancing will be posted outside of the courtroom.

3. The court's decision to require the public to wear masks should take into account any recommendations from the health department and centers for Disease Control.
4. Large venues and common areas in the courthouse (e.g. waiting areas, sit-down dining, etc.) will be open for use using limited six-foot physical distancing. . All public/common areas have been marked to display appropriate social distancing requirements and signage has been posted regarding the maximum occupancy per each room.
5. Pursuant to MCR 8.110(c), members of the public or staff that refuse or adhere to social distancing requirements or other mitigation procedures 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 and is 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.

Date: \_\_\_\_\_

February 25, 2021



\_\_\_\_\_  
Mabel Johnson Mayfield, Chief Judge

LOCAL HEALTH DEPARTMENT  
CONFIRMATION OF  
GATING CRITERIA SATISFACTION

I confirm for Berrien County as follows:  
Specify county or counties

1.  a. There is a downward trajectory of documented COVID-19 cases within at least a  14  28  42 day period.

OR

b. There is a downward trajectory of positive COVID-19 tests as a percent of total COVID-19 tests within at least a  14  28  42 day period (flat or increasing volume of tests).

2. Regional health care facilities are able to treat all patients without crisis care.

2/25/21

Date



Signature of health department representative

Nicki Britten

Print name

Health Officer

Title

2149 E Napier Ave

Health department address

Benton Harbor, MI 49022

City, state, zip

269-927-5600

Telephone no.