

Berrien County Trial Court

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Update to Trial Court Operations – Phase 4

In accordance with the Michigan Supreme Court’s Return to Full Capacity Guide as updated June 21, 2021, the Berrien County Trial Court will be updating operations effective July 1, 2021. The following updates to in-person proceedings in each division of the court are as follows:

Criminal Division:

In-Person:

- Walk-in Arraignments
- Sentencings
- Status/Case Conferences
- Motions
- Pre-exam Conferences
- Preliminary Exams
- Probation Violation Summons/Hearings
- Traffic Tickets
- Competency Hearings

Remote via Zoom:

- Informal Hearings
- Formal Hearings
- Expungements
- Pre-Trial Conferences
- Projected Pleas

*Treatment Court hearings will be in-person or remote at the discretion of the assigned judge and will be notified accordingly.

*Incarcerated individuals will appear in-person.

*Weddings (scheduled by the criminal division) may be scheduled beginning 7/1/2021.

Civil Division:

In-Person:

- Landlord Tenant
- Contested Small Claims Hearings
- Trials

Remote via Zoom:

- Small Claims Pretrial Conferences (Small Claims Culling)
- Motions
- Pretrial, Scheduling, Status, or Settlement Conferences
- Business Court Proceedings

*Personal Protection Order cases will be in-person or remote at the discretion of the assigned judge and will be notified accordingly.

Family Division:

In-Person:

- Trials (Domestic, Abuse Neglect, Delinquency)
- Terminations (Abuse Neglect)
- Abuse Neglect Preliminary Hearings
- Waiver or Designation Hearings (Delinquency)
- Order to Show Cause Hearings
- Adoptions as Requested
- Delinquency Probation Violation Hearings

Remote via Zoom:

- Pretrial, Status, and Settlement Conferences
- Child Support Motions and Reviews
- Review Hearings (Abuse Neglect and Delinquency)
- Contested Domestic Relations Matters (Post-Judgment Issues)
- Permanency Planning Hearings
- Delinquency Preliminary Hearings
- All Probate Hearings

*Personal Protection Order cases will be in-person or remote at the discretion of the assigned judge and will be notified accordingly.

Jury Trials – All Divisions:

The health department presently recommends that jurors continue to social distance both during selection as well as when selected for a jury panel. Larger pools (over 30 jurors) will continue to be selected in the Niles court location while smaller pools may be selected in either St. Joseph or Niles. Jurors who are unvaccinated will be strongly encouraged to wear a face covering while in the buildings. Additionally, jurors will be required to complete a health screening at arrival. Due to social distancing requirements, jury trials will remain closed to the public and will be live-streamed on YouTube. Until such time as the health department approves the removal of social distancing measures, all jury trials will continue to be scheduled by trial court administration.

*All case types and hearings will be scheduled by default as listed above. Alternative participation method may be determined by the judicial officer at time of scheduling. Should a party wish for alternative participation method (i.e. an in-person hearing that the party wishes to participate via Zoom), the party must make a request to the assigned judge no later than fourteen (14) days prior to the scheduled hearing with final determination to be made by the jurist.

*There will be no mass calendaring for in-person proceedings. All dockets will be spaced out and scheduled accordingly. Some large dockets (such as finance order to show cause or pre-trial conferences) may be scheduled en masse but only to be held remotely on Zoom.

*Drug testing and fingerprinting may resume on-site, with continued utilization of vendors and law enforcement agencies for drug testing and fingerprinting as applicable.

*All participants – remote or in-person – must follow Berrien County Trial Court Administrative Order 2013-12 “Courthouse Decorum” when engaged in a court proceeding or as indicated the jurist may at their discretion have that individual removed from the proceeding.

Overall changes to access to the court buildings are as follows:

- The courthouse buildings will be open to the public. This includes walk-ins for questions, filing, or support of a party in a case (with the exception of jury trials). As such, the check-in table will be removed effective 7/6/2021.

- Social distancing markers have been removed in the common areas including hallways and elevators. Courtrooms that are designated for use in jury trials will continue to have social distancing markers in the gallery, but all other social distancing markers in courtrooms will be removed.
- Parties and other participants who are fully-vaccinated are not required to wear a face covering. It is strongly encouraged that parties and other participants who are unvaccinated wear a face covering while in the court facilities, specifically in the gallery when attending a court hearing.
- Signage will be posted for the public to self-screen for any COVID symptoms prior to entrance into the courthouse facilities advising not to enter if exhibiting symptoms.

Additional changes for courthouse-based employees are as follows:

- Masks will not be required for any employees, vaccinated or unvaccinated, during regular working circumstances. Unvaccinated staff will be required to wear a face covering when working in close proximity to the public (i.e. fingerprinting, drug testing, and working with patrons otherwise not 6 feet apart).

The Berrien County Juvenile Center continues to fall under the guidance of the CDC as it pertains to congregate care facilities. As such:

- All employees regardless of vaccination status must maintain face coverings when unable to maintain social distancing (i.e. on the floor with youth).
- Visitors will be allowed to meet with children at the center, but those individuals must complete a health screening and wear a face covering.
- Youth are no longer required to quarantine upon entry into the facility. Quarantine would be reserved for youth who are experiencing COVID symptoms (vaccinated or unvaccinated) or youth who have a known COVID exposure and are unvaccinated.
- Youth are still required to complete a health screening at admission and daily health monitoring.

*This guidance from the Berrien County Health Department comes at this time due to low community spread, stable to decreasing percent positivity, and good capacity for healthcare delivery and treatment. Should community conditions change, changes may be required at all operational levels particularly while we remain in Phase 4 of the RTFC Guide.