

State of Michigan
27th Circuit Court
78th District Court
Newaygo County Probate Court
Oceana County Probate Court

Plan to Return to Full Capacity – Phase 1 – November 17, 2020

27th Circuit Court – Administrative Order 2020-16J
78th District Court – Administrative Order 2020-14J
Newaygo County Probate Court Administrative Order 2020-08J
Oceana County Probate Court Administrative Order 2020-09J

This order, once approved, rescinds the following Local Administrative Orders – also known as the Return to Full Capacity – Phase 2 for the 27th Circuit Court (Newaygo and Oceana Counties), 78th District Court (Newaygo and Oceana Counties), the Newaygo County Probate Court, and the Oceana County Probate Court:

Rescinds:

27th Circuit Court – Newaygo Administrative Order 2020-14J
78th District Court – Newaygo Administrative Order 2020-12J
Newaygo County Probate Court Administrative Order 2020-07J
27th Circuit Court – Oceana Administrative Order 2020-15J
78th District Court – Newaygo Administrative Order 2020-13J
Oceana County Probate Court Administrative Order 2020-08J

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 Newaygo and Oceana County Courts has consulted with the local health department and determined that the Newaygo and Oceana County Courts must return to Phase 1. The Chief Judge, in consultation with other judges, administrators, and stakeholders has determined that there has been a consistent pattern showing that reduced capacity should occur in response to deteriorating conditions within Newaygo and Oceana Counties. Specifically:

1. Newaygo and Oceana Counties have experienced an upward trajectory of documented cases for at least the last 14-day period; and
2. Newaygo and Oceana Counties have experienced an upward trajectory of positive tests as a percentage of total tests for a 14-day period; and
3. Newaygo and Oceana Counties have had at least one positive COVID-19 case in the last 14-day period; and
4. Newaygo and Oceana Counties both have a COVID-19 test positivity rate exceeding 15%; and

5. The chief judge has consulted with health authorities and has obtained data confirming that regional health care facilities are nearing or at capacity to treat all patients without crisis care.

For these reasons, Newaygo and Oceana County Courts Phase 2 Local Administrative Orders as shown above are rescinded and Newaygo and Oceana Courts will enter Phase 1 upon approval of the State Court Administrative Office (SCAO).

Employees, Chief Judge & Court

In order to protect the health and safety of employees and the public, the Newaygo and Oceana County Courts have 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 vulnerable employees and are unable to return to work have been offered appropriate accommodations, including the ability to work remotely if their job lends itself to remote work. Self-identified vulnerable employees will continue to be assessed by supervisory staff to ensure that required needs are being met.
3. Employees will be allowed to work remotely where feasible to facilitate social distancing among on-site staff. The Newaygo and Oceana County Courts will develop and implement a Remote Work Plan following collaboration with the County Administration Offices and the IT Departments. This Plan will consider the safety of employees and the efficient functioning of all court offices.
4. The following guidelines will be used regarding face coverings:
 - a. A face covering that complies with this administrative order is made of more than one layer of tightly woven fabric that covers the nose and mouth and fits securely on the face.
 - b. Face shields including those made of plastic and hybrid products that have fabric around the edges of the shield are not an acceptable replacement for a cloth face covering. According to the Center for Disease Control there is currently not enough evidence to support the effectiveness of face shields for “source control.” If the employee provides medical documentation that they are unable to tolerate a cloth face covering, a face shield may be approved by the chief judge.

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. Face coverings with exhalation vents or valves are not permitted.
 - d. Employees shall wear face coverings in the public areas of the court facilities. This includes the courtrooms unless directed otherwise by the Chief Judge.
 - e. Employees with an office are not required to wear a face covering while they are alone in their office. Face coverings are required if the employee is not alone in the office and six-foot social distancing cannot be maintained or the meeting will be longer than 15 minutes in duration.
 - f. Employees without an office shall wear a face covering at all times while at their workstation.
 - g. Employees shall wear face coverings when they are in the common areas of court offices.
5. Employees will maintain six-foot social distancing practices in all meetings, offices and court proceedings and shall wear face coverings. Attendance at meetings and/or court hearings shall not exceed 10 people including staff members, security and the public in addition to six-foot social distancing. Social distancing will continue or be enhanced if necessary upon further direction of the Chief Judge. The courts have 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. Fashioned physical barriers at public windows to better control movement of documents in and out of the offices.
 - c. Marked the floor in common spaces to indicate six-foot intervals.
 - d. Required employees to wear masks while in public spaces.
 - e. Required employees handling mail to wear masks and gloves.
 - f. Provided webcams for employees who routinely meet with the public to assist them with meeting remotely as much as possible to avoid having the public in the inner office areas.
 - g. Implemented employee arrival procedure for proper employee health screening and to reduce crowd size and the risk of people gathering at start and close times.
 - h. Routine cleaning of common areas and items utilized by multiple employees (breakrooms, restrooms, courtrooms, etc.). Instituted a mandatory cleaning schedule for cleaning and sanitizing of general office

space, equipment and individual workstations/offices. Employees will sanitize their individual work areas several times per day.

- i. Provided Person Protective Equipment (PPE) (masks, gloves, etc.) and cleaning supplies for employees to protect themselves and others and clean their work areas whenever necessary in addition to the aforementioned schedule.
 - j. Encouraged frequent handwashing and cleansing of hands with hand sanitizer which is provided to employees.
 - k. Use disinfectant sprayer to ensure common or open cubicle areas are disinfected regularly.
6. 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.
7. Employees will not travel for non-essential business.
8. 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.
9. The courts have consulted with the local health department and the Newaygo and Oceana County Administration Offices in developing policies regarding personal travel by an employee outside of Michigan. Any 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.
10. Employees have been trained regarding COVID-19. The training included good hygiene practices, updated personnel policies, and safety controls at the court facilities.
11. Court facilities have posted signage emphasizing proper handwashing.
12. 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 shall be wiped down with disinfectant or a disinfectant wipe between uses. Employees will adhere to the cleaning/sanitizing schedule as directed and will sanitize their individual work areas several times per day.
13. The courts are following the CDC guidance on cleaning and disinfecting if the facility is exposed to COVID-19 in conjunction with the Newaygo and Oceana County Administration Offices.
14. The courts have developed a contact tracing policy consistent with Newaygo County Administration's COVID-19 Preparedness and Response Plan (most

recent version), Oceana County Administration's policies and procedures and the District 10 Health Department consistent with SCAO recommendations. The Chief Judge may initiate additional contact tracing procedures as necessary to ensure employee and public safety. The courts will implement contact tracing procedures after receiving notification that either court facility has had confirmed exposure to COVID-19. The courts have developed contact tracing policies and will implement contact tracing procedures after receiving notification that either court facility has had confirmed exposure to COVID-19. These procedures will help the courts identify and notify 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.

Facilities

The 27th Circuit Court (Newaygo and Oceana Counties), 78th District Court (Newaygo and Oceana Counties), Newaygo County Probate Court, and Oceana County Probate Court are maintaining the following measures related to public entry into court facilities:

1. The public including attorneys are strongly encouraged to file all documents with the court by fax, email, or using the US Postal Service. The public and attorneys may file documents in person.
2. The public will be screened by court personnel or security personnel prior to entering the Newaygo or Oceana County courthouses. Screening questions will include, but are not limited to, the following:
 - a. Do you have a fever greater than 100.4 degrees?
 1. Visitors will have their temperatures taken before entry into the courthouse by courthouse security personnel.
 - 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?
 - 1. Close contact is defined as being within (6) feet of an individual who tests positive for COVID-19, with or without a mask, for an accumulative of fifteen (15) minutes or longer starting from two (2) days before illness onset (for asymptomatic patients, two (2) days prior to specimen collection) until the time the patient is isolated or as directed or updated by the local health department.
- f. Have you traveled internationally in the last 14 days?

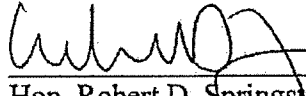
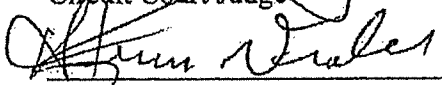
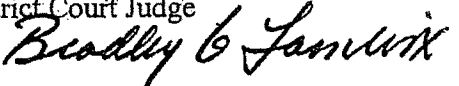
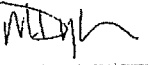
Any individual responding “yes” to the screening questions will not be allowed to enter the courthouses in Newaygo or Oceana County. Screening personnel will notify the court of any individual who does not pass the screening procedure. If the person came to the court to file documents, the courts will accept those documents for filing. If the person was scheduled to appear as a party or witness in a court proceeding, the courts 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.

There are numerous hand sanitation stations and restrooms for handwashing for visitors. Drinking fountains have been closed from use due to the higher risk of germ transmission. The courthouses also have marked areas on the floor for visitors to stand to reinforce social distancing during their visits and have removed seating to provide better social distancing. Courtroom seating has also been marked in six-foot increments to facilitate social distancing.

In order to facilitate decreased in-person activity in the courthouses, 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. Parties will be provided notice that their hearings are scheduled for remote appearances and will be provided with best practice information to ensure they are able to appear successfully as a remote hearing participant.
2. In-person proceedings are limited to those where there is a statutory or constitutional right that has not been waived. Any in-person emergency hearings or hearings where parties have a right to be present as described above will adhere to moderate six-foot social distancing practices in the courtroom with attendees not exceeding 10 people including the presiding judge, security and staff. All those present in the courtroom must wear a face covering unless testifying or addressing the court. Any in-person hearings will be scheduled so that there is enough time in between hearings to allow for the impacted portion of the courtrooms to be sanitized. Non-party spectators may watch live or uploaded hearings via YouTube and will not be permitted into the courtroom. Links to YouTube channels for Newaygo and Oceana Courts can be found on the county websites.

3. Face coverings will be required for court in a manner consistent with the SCAO Return to Full Capacity Guide, this Administrative Order, and the direction of the Chief Judge.
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 either 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 Newaygo and Oceana County 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 the next phase of court capacity with each fourteen-day interval. Phase 1 will remain in effect until Newaygo and Oceana Counties can meet the gating criteria for Phase 2 after collaborating with the health department.

Date: <u>11-19-20</u>	 <hr/> Hon. Robert D. Springstead, Chief Judge Circuit Court Judge
Date: <u>11-19-20</u>	 <hr/> Hon. H. Kevin Drake District Court Judge
Date: <u>11-19-20</u>	 <hr/> Hon. Bradley J. Lambrix Oceana County Probate Judge
Date: <u>11/19/20</u>	 <hr/> Hon. Melissa K. Dykman Newaygo County Probate Judge