

State of Michigan
27th Judicial Circuit Court
County of Newaygo



Plan to Return to Full Capacity – Phase Two – October 28, 2020

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

This order, once approved, rescinds the following Local Administrative orders – also known as the Newaygo County Trial Courts Plan to Return to Full Capacity – Phase Three for 27th Circuit Court (Newaygo County), 78th District Court (Newaygo County) and the Newaygo County Probate Court:

Rescinds:

27th Circuit Court – Newaygo Administrative Order 2020-07J
78th District Court – Newaygo Administrative Order 2020-08J
Newaygo County Probate Court Administrative Order 2020-05J

The Chief Judge has consulted with the local health department and determined that the Newaygo County Trial Courts no longer meet the gating criteria for the Plan to Return to Full Capacity - Phase 3. The Chief Judge, in consultation with other judges and administrators, has determined that there has been a consistent pattern showing that reduced capacity should occur in response to deteriorating conditions within our county. Specifically:

1. Newaygo County has experienced an upward trajectory of documented cases for at least the last 14-day period; and
2. Newaygo County has experienced an upward trajectory of positive tests as a percent of total tests for a 14-day period.

For these reasons, Newaygo County Trial Courts Phase 3 Local Administrative Orders as shown above are rescinded and the Newaygo County Trial Courts will enter Phase Two in accordance with Supreme Court Administrative Order No. 2020-14, effective May 6, 2020, and upon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 County Trial 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 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. Self-identified vulnerable employees will continue to be assessed by supervisory staff to ensure that required needs are being met.
3. Employees will be encouraged to work remotely where feasible to facilitate social distancing among on-site staff.
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.
 - 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 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. All employees not self-identified as vulnerable will work regular working schedules. Employees will maintain six foot social distancing practices in all meetings, offices and court proceedings and shall wear face coverings. Employees

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>

in court facilities will maintain social distancing of six feet at all times and wear masks. Social distancing will continue or be enhanced if necessary upon further direction of the Chief Judge. The court(s) has/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.
 - h. Routine cleaning of common areas and items utilized by multiple employees (breakrooms, restrooms, courtrooms, etc.).
 - 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.
 - 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. The court has consulted with the local health department and the Newaygo County Administration Office 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.

9. Employees have been trained regarding COVID-19. The training included good hygiene practices, updated personnel policies, and safety controls at the court facilities.
10. Court facilities have posted signage emphasizing proper handwashing.
11. 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.
12. The court is following the CDC guidance on cleaning and disinfecting if the facility is exposed to COVID-19 in conjunction with the Newaygo County Administration Office.
13. The court has developed a contact tracing policy consistent with Newaygo County Administration's COVID-19 Preparedness and Response Plan (most recent version) and 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 court will implement contact tracing procedures after receiving notification that the court facility has had confirmed exposure to COVID-19. The court has developed a contact tracing policy and will 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 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 County), 78th District Court (Newaygo County) and Newaygo County Probate Court, also known as the Newaygo County Trial Courts, 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 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 County Courthouse. 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.

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. 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 court will accept those documents for filing. If the person was scheduled to appear as a party or witness in a court proceeding, the court 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 courthouse also has marked areas on the floor for visitors to stand to reinforce social distancing during their visit and has 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 courthouse, the court(s) is/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.

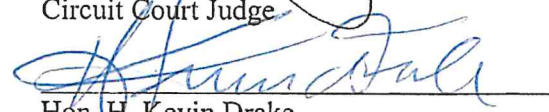
2. In-person court proceedings will be allowed on a limited basis. In-person hearings are allowed for emergency hearings, matters deemed essential by the presiding judge and approved by the chief judge and matters in which parties have a right to be present. Any in-person emergency, essential or hearings where parties have a right to be present will adhere to moderate six-foot social distancing practices in the courtroom including the presiding judge and other essential staff. Any on-site visits or hearings will be scheduled so that there is enough time in between hearings to allow for the impacted portion of the courtroom/room to be sanitized. Parties to the case and other necessary persons will be permitted first while adhering to six-foot social distancing practices. Non-party spectators will be encouraged to watch proceedings via livestreaming from the County of Newaygo website. If the non-party spectator does not have access to view the public livestream, and requests to be present in the courthouse, he/she will be placed in an alternate courtroom, if necessary and available, to watch the proceedings if his/her presence would violate the moderate six-foot social distancing practices. Face coverings are required for employees and visitors during any on-site court visits.
3. Trials may be conducted consistent with Administrative Order 2020-1 and in compliance with the current SCAO approved Local Administrative Order to Establish Parameters for Conducting In-Person Jury Proceedings during the COVID-19 Pandemic for Newaygo and Oceana Counties.
4. 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.
5. Off-site visits with probationers and clients will continue utilizing remote methods whenever possible. Based on the unique circumstances of the case and services provided, in-person meetings may be required at times. When this is necessary social distancing practices consistent with this LAO, Newaygo County's Preparedness and Response Plan and the health department will be adhered to for safety purposes.
6. Large venues and common areas in the courthouse (lobbies, hallways, etc.) will be open for use to the public for emergency, essential and/or any matters where the parties have a right to be present. Members of the public are required to wear face coverings to the extent they can medically tolerate it. They will be provided by the court prior to entry if the person does not already have an adequate face covering.
7. 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.
8. 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.

9. The Newaygo County Trial 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, which is anticipated to be November 10, 2020 at the earliest. Phase 2 will remain in effect until Newaygo County can meet the gating criteria after collaborating with the health department.

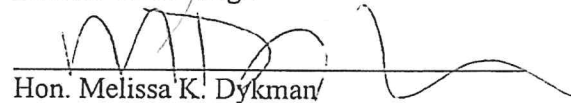
Date: 11-3-20


Hon. Robert D. Springstead, Chief Judge
Circuit Court Judge

Date: 11-3-20


Hon. H. Kevin Drake
District Court Judge

Date: 11-3-20


Hon. Melissa K. Dykman/
Newaygo County Probate Judge