STATE OF MICHIGAN

IN THE 16th JUDICIAL CIRCUIT FOR THE COUNTY OF MACOMB
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB
IN THE 42nd DISTRICT COURT FOR THE COUNTY OF MACOMB

In Re: Plan to Return to Full Capacity Phase Two
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Circuit Court Joint Local Administrative Order #2020-05J, Rescinds 2020-04J
Probate Court Joint Local Administrative Order #2020- 03J, Rescinds 2020-02J
42nd District Court Joint Local Administrative Order #2020-03J, Rescinds 2020-02J

In accordance with Administrative Order No. 2020-14, effective May 6, 2020, and upon approval of the State Court Administrative Office (SCAO), the Chief Judge of the 16th Judicial Circuit, Macomb County Probate and 42nd District Courts have consulted with the local health department and determined that gating criteria for movement into Phase Two is satisfied as of June 12, 2020. Specifically:

1. There have been no COVID-19 confirmed or suspected cases in the court facility within a 14-day period; and,

2. There is a downward trajectory of positive tests as a percent of total tests within a 28-day period (flat or increasing volume of tests) as of June 12, 2020, as confirmed by a review of data from https://mistartmap.info during a meeting with the Macomb County Health Department; and,

3. State and local orders restricting movement and/or requiring shelter-in-place have been rescinded or limited and the SCAO has determined that existing orders would not prevent the Court from implementing Phase Two requirements; and,

4. The Chief Judge and Court Administrator have consulted with health authorities and confirmed that regional health care facilities are able to treat all patients without crisis care; and,

5. The Chief Judge has consulted with health authorities and reviewed data on http://mistartmap.info 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 16th Judicial Circuit, Macomb County Probate and 42nd District 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.

3. Employees will be encouraged to work remotely where feasible to facilitate social distancing among on-site staff.

4. Employees in court facilities will maintain social distancing of six feet at all times and wear masks when six-foot physical distance cannot be maintained. 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.

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 non-essential business.

7. The Court has consulted with the local health department and developed policies regarding employee travel 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.

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.

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[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

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 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.

B. The 16th Judicial Circuit, Macomb County Probate and 42nd District Courts are maintaining the following measures related to public entry into court facilities:

1. The public will be screened by security personnel 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 any of the following symptoms that you believe may be the result of COVID-19 exposure:
      - Fatigue
      - Chills
      - Repeated shaking with chills
      - Muscle pain
      - Headache
      - Sore throat
      - Diarrhea
      - New loss of taste or smell

   e. Have you had any close contact in the last 14 days with someone diagnosed with COVID-19?

   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.

C. In order to facilitate increased activity in the courthouse, 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.

2. In-person court proceedings will be allowed on a limited basis. All attendees will be required to wear face coverings to the extent they can medically tolerate it, and will maintain social distancing. The Court will limit the number of people in any space/room consistent with 6-foot social distancing and maximum capacities will be posted outside the rooms. All public proceedings will continue to be live streamed on YouTube.

3. Off-site visits with probationers and clients will resume.

4. Large venues and common areas in the courthouse (e.g. waiting areas, sit-down dining, etc.) will be open for use. Members of the public are required to wear face masks to the extent they can medically tolerate it. They will be provided by the Court prior to entry.

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.

7. The 16th Judicial Circuit, Macomb County Probate and 42nd District Courts are regularly meeting with local public health officials to monitor local public health conditions related to COVID-19 and is/are continuously evaluating data to assess their readiness to proceed to the next phase of court capacity, which is anticipated to be July 1, 2020.

Dated: 6-17-20

James M. Biernat, Jr. – Chief Judge
16th Judicial Circuit, Macomb County
Probate and 42nd District Courts