

APPENDIX 4: REDUCING CAPACITY IN RESPONSE TO DETERIORATING CONDITIONS

The Return to Full Capacity (RTFC) document provides that satisfying gating criteria permits the courts to expand capacity by moving through subsequent phases, but also provides that courts must return to a previous phase upon a determination by the chief judge that local public health conditions have deteriorated. (RTFC, p. 5). In addition, the chief judge of a court may, at any time, submit a revised model LAO 50 to the SCAO regional office to move back a phase and/or restrict in-person hearings based on local conditions. The State Court Administrator may require a court to move back to Phase 1 at any time.

Deteriorating conditions are defined as:

Phase 3 Courts

If state and local orders restricting movement and/or requiring shelter-in-place have been imposed and the SCAO has determined that existing orders would prevent the court from continuing its current RTFC Phase 3 requirements; OR

If there is an upward trajectory of documented cases for a 14-day period, AND an upward trajectory of positive tests as a percent of total tests for a 14-day period, THEN

The court's Phase 3 LAO will be rescinded and the court will be required to submit a new Phase 1 or 2 LAO as appropriate.

Phase 2 Courts

A. If state and local orders restricting movement and/or requiring shelter-in-place have been imposed and the SCAO has determined that existing orders would prevent the court from continuing its current RTFC Phase 2 requirements; OR

If there is an upward trajectory of documented cases for a 14-day period, OR an upward trajectory of positive tests as a percent of total tests for a 14-day period, AND

The COVID-19 test positivity rate is 15 percent or higher, THEN

The court's Phase 2 LAO will be rescinded and the court will be required to submit a new any-phase LAO.

B. If there is an upward trajectory of documented cases for a 14-day period, AND an upward trajectory of positive tests as a percent of total tests for a 14-day period, BUT

The COVID-19 test positivity rate is below 15 percent, THEN

The court shall review its current Phase 2 LAO and consider submitting a new Phase 2 LAO that adds additional safety measures. Examples of additional safety measures may include reducing in-person proceedings, eliminating off-site visits, staggering staff schedules, and increased reliance on remote work.

