

STATE OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

Administrative Directive
No. PG-13



State Court Administrator

**HEALTH SCREENING AND SAFETY PROTOCOLS FOR ALL VERMONT COURTHOUSES
AND JUDICIARY FACILITIES DURING THE JUDICIAL EMERGENCY
AMENDED – MARCH 8, 2021
AMENDED – JULY 1, 2021**

A. AUTHORITY

Following the Governor’s general declaration of a statewide emergency resulting from the COVID-19 pandemic, the Vermont Supreme Court issued Administrative Order 49 containing a Declaration of Judicial Emergency—since amended on several occasions—for the purpose of protecting the health of all Judiciary personnel and courthouse visitors and mitigating the spread of the virus.

The Governor’s emergency order regarding COVID protocols expired because Vermont achieved an 80% vaccination rate. While this is a major milestone for all Vermonters, it is important to note that the Judicial Emergency is still in effect pursuant to Supreme Court Administrative Order 49. Many people in the courthouse are required to be there and do not have control over the duration of their visit. These and other factors make measures necessary to protect those in courts very different from the measures taken generally for other businesses. Our public health protocols will be changing, but on a different timetable than that established by the Governor.

In its Explanatory Note to the Declaration of Judicial Emergency, the Supreme Court observed that moving forward “the evolving public health crisis” would necessitate “adjusting court rules and operations” as public health and safety—informed by Department of Health and CDC guidelines—required. The Court explained that many of these “operational changes . . . fall within the existing authority of the Court Administrator.” For example, Administrative Order 49 acknowledges that the Court Administrator is authorized to issue directives regarding access to and conduct in Judiciary buildings, including requirements related to screening, social distancing, and masks, as reasonably necessary to mitigate risk to the health of court users or court personnel.

Pursuant to this authority, it is directed that during the phased expansion of court operations and until further amendment of this Directive, the following operational Health Screening and Safety Protocols shall be observed in all Vermont courthouses and Judiciary facilities. These protocols

are informed by current public health guidelines and, therefore, may be periodically updated as guidelines change. Physical signs posted in courthouses advising visitors and court staff of health and safety protocols may be updated by the Judiciary from time to time, as well.

Where the Judiciary shares space with other state agencies, entry shall be permitted to such shared space, including common entrances, only in accord with policies mutually agreed to between the Commissioner of Buildings and General Services and the State Court Administrator. Where the Judiciary shares a common entrance to space occupied by county government offices in a county courthouse, entry shall be permitted to such county offices only in accord with policies mutually agreed to between Assistant Judges and the State Court Administrator for county buildings.

B. HEALTH SCREENING AND SAFETY PROTOCOLS FOR VISITORS TO COURTHOUSES

1. Rules for Entry and Continued Presence

The following rules shall apply to all visitors seeking to enter and conduct business authorized under the provisions of Administrative Order 49 in a courthouse or other Judiciary facility. These rules shall be prominently displayed on notices at all courthouse entrances.

Prior to entry, all courthouse visitors must respond to health screening questions to verify that they are not experiencing symptoms of illness.

- a. Visitors to courthouses and other Judiciary facilities - Masks must be worn by all courthouse visitors at all times within the courthouse, except as may be more particularly provided for in this Directive, and social distancing of at least six feet must be maintained to the extent possible. Exceptions to the mask requirement will be made for children under the age of two. As requested and necessary, the Court will arrange for reasonable accommodations for those who need Judiciary services but cannot wear masks due to medical considerations.
- b. Judicial Discretion – During a hearing or trial, the judicial officer presiding over the proceeding shall have the discretion to progressively modify the mitigation measures in an individual courtroom by:
 - i. maintaining masking but reducing or eliminating social distancing;
 - ii. with documentation that a person is “Fully Vaccinated,” as that is defined in this Directive, the judge may allow masks to be removed, for all or a portion of any proceeding.

Factors to be considered in exercising this discretion include but are not limited to the following:

- i. whether the courtroom is served by a HVAC system approved by the Judiciary;

- ii. the existence of a functioning CO2 meter and the ability to monitor the same throughout the proceeding;
- iii. the size of the courtroom;
- iv. number of participants in the courtroom at any one time;
- v. the length of the hearing;
- vi. the number of participants providing documentation of complete vaccination;
- vii. other factors that promote the health and safety of participants consistent with principles of due process and fair hearings.

Documentation of vaccination means production of a vaccination card for inspection by the judge who, if accepting the documentation, will enter a statement on the record of the documentation provided and acceptance of the same by reference to name, birth date and patient number as appearing on the vaccination card.

- c. Visitors to Other Agencies - Visitors to non-Judiciary governmental agencies within a courthouse facility will be expected to comply with the health and safety entry protocols of those agencies, in addition to the Requirements set forth in this Directive.
- d. Possible Exposure Risk - In the event a court security officer believes there is the possibility of exposure to the Coronavirus due to the presence of a visitor, the court security officer will contact a Court Operations Manager immediately.

2. Denial of Entry

Persons who are experiencing one or more symptoms of illness or who fail to comply with mask and social distancing requirements will not be allowed to enter or, after entry, will be required to leave. Any person who has a scheduled court hearing or is otherwise required to appear at a courthouse and cannot enter a courthouse or other Judiciary facility for reasons related to screening protocols, or is required to leave for failure to observe rules related to wearing a mask or observing social distancing, should proceed as follows:

- a. If the person is represented by an attorney, the person should contact that attorney.
- b. If the person is an attorney or is self-represented, the person will be directed to call the clerk's office so that a Judiciary representative can notify the judge, who will decide how to proceed in connection with the hearing. The judge will determine whether to reschedule or have the person participate by telephone or video or pursue another course of action.
- c. If the person is seeking protection from abuse or protection from harassment, the person should obtain the appropriate petition and affidavit for Relief from Abuse or Stalking and Sexual Assault, contact a domestic violence advocacy agency, if they so choose, and follow the process to file the petition by email if able, or drop the paperwork off in the receptacles at the entrance to the courts.

C. HEALTH AND SAFETY PROTOCOLS FOR JUDICIARY EMPLOYEES AND JUDICIAL OFFICERS

Judiciary personnel shall be subject to the following protocols:

1. Regardless of vaccination status, Judiciary employees are to monitor their symptoms daily; and, if they experience symptoms of illness, shall contact their supervisor and shall not report to work; or, if at work, shall contact their supervisor and leave the courthouse immediately.
2. Regardless of vaccination status, judicial officers are to monitor their symptoms daily; and if they experience symptoms of illness, shall not report to work and shall notify the Chief Superior Judge or State Court Administrator. If the judicial officer is already at work, they shall leave the courthouse immediately and shall notify the Chief Superior Judge or State Court Administrator.
3. Judiciary personnel who have been Fully Vaccinated and have had their vaccination certified by Human Resources do not need to wear masks in the employee-only areas of the courthouse. "Fully Vaccinated" means that a full two weeks have passed since the individual received either the second dose of the two-dose vaccine or the one-time dose of the Johnson and Johnson vaccine. Employee-only areas of the courthouse include a courtroom being used for remote hearings (if no non-Judiciary persons are physically present), Judiciary personnel-only work areas, hallways, and bathrooms. Areas where all should wear their masks, regardless of certification, include any public area of the courthouse, courtrooms with non-Judiciary persons present, and at the clerk window. Employees and vendors must wear a mask in the public areas of the courthouse.
4. Judiciary personnel whose COVID-19 vaccination have not been certified by Human Resources shall wear masks at all times and shall maintain six feet of distance from other persons.
5. Employees of vendors and contractors who have been identified in writing by their supervisor to the appropriate court manager or administrator as Fully Vaccinated do not need to wear a mask or socially distance in the non-public areas of the courthouse.
6. The Judiciary will respect and support the choice of any Judiciary employee or judicial officer who chooses to wear a mask for any reason. The Judiciary reminds its personnel who are either immunocompromised or living with an immunocompromised or unvaccinated family member that they may voluntarily wear a mask and physically distance even if they have been Fully Vaccinated.
7. Further, the Judiciary will allow for reasonable accommodations to assist Judiciary personnel who are either unvaccinated or immunocompromised to maintain a safe and healthy workplace.

The Judiciary will provide reasonable accommodations for Judiciary personnel who have medical conditions and or religious beliefs that prevent their compliance with some of the Requirements of this Directive.

D. OTHER HEALTH AND SAFETY MITIGATION AND PROTOCOLS

1. Community Prevalence

Vermont has achieved a vaccination rate of more than 80%, and the number of cases per thousand residents has decreased to less than 1.0. This level of community prevalence and vaccination rate allows for safer operation of courts. As the community prevalence changes, so too will the mitigation steps necessary within courthouses.

2. Mechanical Ventilation

Most courthouses have mechanical ventilation that has been assessed and approved by mechanical engineers. Wherever possible, the Judiciary will continue to use the higher MERV 13 filters in HVAC systems.

Courthouses without approved mechanical ventilation will require additional mitigation. Those mitigations may include the use of HEPA filtration, CO2 monitoring, capacity limits, or additional mask usage. A list of courthouses that are not yet open to the public can be found on the Judicial website here: <https://www.vermontjudiciary.org/covid19>

3. Courthouse Screening

Security staff at the screening areas are authorized to ask all visitors if they have symptoms of illness. Visitors showing symptoms or self-reporting symptoms will be denied entry into the courthouse, and other means of court participation may be pursued.

Security staff will remind visitors of the mask and distancing policies and be prepared to deny entry for those who are in violation of the policy.

4. Personal Protective Equipment (PPE)

All Courthouses will have PPE available for employees and visitors upon request. This may include masks, gloves, disinfecting wipes, and hand sanitizer.

5. Plexiglass Barriers

Plastic barriers and separators will be installed in those areas of courthouses and other Judiciary facilities where close contact is frequent and expected. Plexiglass is also available in other areas of the courthouse upon request and reasonable notice at the discretion of the Presiding Judge and/or Court Operations Manager.

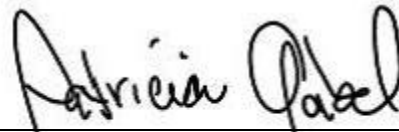
6. CO2 Monitors

CO2 monitors, as they become available, will be used in each courtroom, hearing room, and meeting room used for in-person group events. When CO2 levels reach 1,000 PPM (parts per million), the court or group activity will be recessed, and the room will be vacated until levels drop to below 800 PPM.

The Vermont Judiciary will continue to monitor health guidance and make any necessary changes to this Administrative Directive to continue to keep courthouse staff, officers, and visitors safe.

This directive is effective July 6, 2021.

Dated this 1st day of July, 2021



Patricia Gabel, Esq.
State Court Administrator