

STATE OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

Administrative Directive No. TC-1
(as amended September 27, 2022)



State Court Administrator

Pursuant to the authority set forth in Supreme Court Administrative Order 3, effective October 1, 2022 the State Court Administrator directs that Administrative Directive TC-1 dated August 17, 2022, is amended to read as follows:

**HEALTH AND SAFETY PROTOCOLS FOR ALL VERMONT
COURTHOUSES AND JUDICIARY FACILITIES**

Purpose

Now that the COVID-19 Pandemic has winded down considerably, the Vermont Judiciary has ended its declaration of judicial emergency but will continue to monitor health guidance provided by the Centers for Disease Control and Prevention (CDC), the Vermont Department of Health (VDH), and other health and engineering experts to promote the public health of Vermonters seeking access to justice in Vermont's courts.

Effective October 1, 2022, the Vermont Judiciary adopts the following health and safety protocols for its courthouses and judiciary facilities:

A. HEALTH AND SAFETY PROTOCOLS FOR VISITORS TO COURTHOUSES

1. In all public areas of a courthouse, excluding courtrooms, masks are recommended but not required. The Judiciary will respect and support any person's choice to wear a mask even when one is not required.
2. In courtrooms, the judicial officer presiding over the proceeding has discretion to modify mitigation measures during a proceeding, including modifying the masking recommendation to require masks in a courtroom. Factors to be considered in exercising this discretion include but are not limited to the following:
 - a. whether the courtroom is served by an HVAC system that has been approved by the Judiciary and, if not, whether alternative measures can be taken to assure appropriate air flow and filtration within the courtroom;
 - b. the size of the courtroom;
 - c. the number of participants in the courtroom at any one time;

- d. the length of the proceeding;
 - e. the community prevalence of COVID-19 or other health risks; and
 - f. the availability of other measures that promote the health and safety of participants as long as the use of such measures is consistent with principles of due process.
3. Social distance requirements are no longer in effect except those included in unit plans for jury draws and jury trials in Limited Entry Courthouses as described in Section D below.
 4. Visitors to non-Judiciary governmental agencies, including county government offices within a shared courthouse facility, are expected to comply with the health and safety protocols of those agencies or offices that are being visited. To the extent that such protocols conflict with this Administrative Directive, the protocol that is the more protective of public health and safety shall control within those spaces.
 5. Security staff at the screening areas of courthouses shall ask all visitors if they have tested positive for COVID-19 in the past 5 days or if they have symptoms of illness. Visitors who report they have tested positive for COVID-19 in the last 5 days, or who are either showing symptoms of illness or self-reporting symptoms of illness, will not be allowed to enter the building and if the visitor was scheduled to participate in a hearing, other means of court participation will be determined by the judicial officer involved per the following steps:
 - a. The person will be directed to call the clerk's office so that a Judiciary representative can notify the judicial officer, who will decide how to proceed in connection with the hearing. The judicial officer will determine whether to reschedule or have the person participate by telephone or video or pursue another course of action.
 - b. In situations in which the credibility of an individual's COVID-19 or illness status is in question, the judicial officer, in consultation with the State Court Administrator and the Chief Superior Judge, may permit entry of an individual into the courthouse.
 - 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 receptacle at the entrance to the courthouse. The person will also be given information on how to telephone the clerk's office so that a Judiciary representative can assist them in the process of making any filing.
 - d. In situations where the individual is showing or reporting symptoms, but has not tested positive for COVID-19, the judicial officer may permit entry of an individual into the courthouse in the event that the individual submits to a rapid test with a negative result, together with such other mitigation measures as may be determined appropriate under the circumstances.

B. HEALTH AND SAFETY PROTOCOLS FOR JUDICIARY PERSONNEL

1. In staff-only areas, masks are recommended, but not required. The Judiciary will respect and support any person's choice to wear a mask even when one is not required.
2. 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 in person; or, if the employee is already at work, they shall contact their supervisor and leave the courthouse immediately.
3. Judiciary employees who test positive for COVID-19 will remain out of the workplace for at least 5 days from the date of the test. Upon their return to work, employees must wear a facemask for the next 5 days unless they test negative for COVID-19, in which case they need not wear a facemask.
4. Judicial officers are to monitor their symptoms daily; and if they experience symptoms of illness, shall not report to work in person and shall notify the Chief Superior Judge. If the judicial officer is already at work, they shall notify the Chief Superior Judge and leave the courthouse immediately.

C. OTHER HEALTH AND SAFETY PROTOCOLS

1. COVID-19 tests are available in courthouses for use in certain situations on a voluntary and self-administered basis. Participants in a multi-day proceeding, or people who may have been exposed to, or may be vulnerable to, COVID-19 may use a test provided by the Judiciary.
2. All courthouses have personal protective equipment (PPE) available for employees and visitors upon request. This includes masks, gloves, disinfecting wipes, and hand sanitizer.
3. CO2 monitors that are placed throughout courthouses should be periodically checked. If CO2 levels reach 1400PPM (parts per million), measures should be taken to improve airflow and filtration, including opening windows if the weather permits and placing HEPA filters in the area.
4. In any situation known by Judiciary staff to involve a person in a high-risk category or who is at increased vulnerability to COVID-19, adjustments to masking and social distancing protocols will be considered and may be implemented by the Judiciary to protect all individuals.

D. UNIT PLANS AND LIMITED ENTRY COURTHOUSES

1. Unit Plans for jury draws and jury trials are required for currently identified Limited Entry Courthouses and any Unit Plans and modifications thereto for Limited Entry Courthouses that have been approved by the Chief Superior Judge and the Chief of Trial Court Operations shall remain in full force and effect.

2. Unit Plans for jury draws and jury trials are not required for all other courthouses effective October 1, 2022 and any Unit Plans or modifications thereto for such courthouses shall no longer be in effect as of October 1, 2022.
3. A Limited Entry Courthouse seeking to adopt a Unit Plan for jury draws and jury trials shall submit it to the Chief Superior Judge and to the Chief of Trial Court Operations for approval. A Limited Entry Courthouse seeking to amend its Unit Plan may submit to the Chief Superior Judge and to the Chief of Trial Court Operations a memorandum setting forth the specific changes to the approved Unit Plan which are sought to be approved.

This Administrative Directive is effective October 1, 2022.

Dated September 27, 2022.



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State Court Administrator