

38th JUDICIAL DISTRICT – MONTGOMERY COUNTY

SAFETY PROTOCOL

This Protocol applies to **ALL** court operations and court facilities within the 38th Judicial District. The number one priority identified in the Court’s COVID-19 Reconstitution of Court Operations Mission Statement is **SAFETY**. The Court will take every step possible to keep people safe. This includes all of the people who work in our court facilities, and all of the people who come to our court facilities.

To that end, this Protocol is divided into two sections – **Court Operations** and **Court Facilities**. Court Operations will cover general principles that apply to ALL court operations, regardless of the division or facility. In addition to physical requirements, this protocol will also cover safety and security requirements as well as workplace requirements that will apply to ALL individuals required to access court facilities (staff and public) - from entry to exit. Court Facilities will cover specific directives for individual facilities, based on individual facility assessments.

COURT OPERATIONS:

Each division of the Court (Civil, Criminal, Family, Juvenile, Orphans’, MDJ) has developed a written protocol (available on the Court’s website) identifying the types of cases that will be processed during the reconstitution time period – in a “phased” approach. The Court has focused on those types of cases where there is greater need, and those areas where there is finality and purpose to the work. In some ways the divisional review determinations will drive the level of court interaction required – and in others the court interaction level requirements will drive the divisional review determinations.

Court Interaction levels are identified as follows:

Level I	PAPERS/FILINGS ONLY
Level II	FULLY REMOTE
Level III	PARTIALLY REMOTE
Level IV	FULLY IN-PERSON

From a safety standpoint, as noted in the Pennsylvania Supreme Court’s Order of April 28, 2020, the Court’s emphasis is on providing court services utilizing the lowest court interaction level possible, within constitutional mandates.

With that in mind, each divisional protocol shall identify the court interaction level required by case type. For example, “fully remote” could involve different advanced communication technologies – video, phone, etc. – and may involve record or non-record proceedings. Likewise, “partially remote” may involve one or more individuals in a courtroom – or other

location (Chambers) – with one or more individuals participating via advanced communication technology. Further detail may be required.

Aside from the ability to submit paperwork and certain technology requirements, Court Interaction Levels I and II do not directly impact safety. Levels III and IV, however, have a direct impact on safety. As a result, for Level III and IV activities, safety directives will be implemented to minimize the number of individuals required/permitted to be in court facilities, and minimize contact between those individuals once inside the facility.

THE COURT’S APPROVED SAFETY DIRECTIVES:

1. **PERSONAL HEALTH AND SAFETY PROTOCOLS MUST BE STRICTLY FOLLOWED** – including health screenings required at all entrances to court facility and/or courtrooms (thermos-scan), maintaining social distancing directives (6 ft. min. between individuals at all times) with assistance of appropriate markers whenever possible, and the wearing of a protective face mask at all times within the facility by ALL individuals (Judges, staff and public). Screening to be performed by County or Court staff, depending on the individual facility (see individual facility assessment review);
2. **COURT SCHEDULING WILL BE LIMITED/STAGGERED AND THE TIME ALLOTTED PER CASE WILL BE INCREASED** – allowing sufficient time between scheduled matters to limit the number of individuals in the facility, to avoid contact between separate case-related individuals, to account for limited holding area capacity (security) and permit time for appropriate cleaning by court staff;
3. **SPACE(S) TO BE UTILIZED WITHIN A FACILITY WILL BE DETERMINED BASED ON SAFETY AND SECURITY CONSIDERATIONS** – ease of access by public, proximity to entrance (avoiding elevators and stairs whenever possible), sufficient size to maintain social distancing, etc. (see individual facility assessment review) – including staff areas;
4. **COURTROOM PROCEDURAL CONTROLS WILL BE IMPLEMENTED** – including protocols for submission of documents or exhibits during in-person hearings to minimize contact (possibly in advance electronically), location of witness testimony (not necessarily from box attached to the bench), the removal of water pitchers, glasses and bibles, etc;
5. **THE NUMBER OF INDIVIDUALS PERMITTED ACCESS TO ANY FACILITY OR AREA/ROOM WITHIN A FACILITY WILL BE LIMITED BASED ON SOCIAL DISTANCING GUIDELINES** - see the individual facilities assessment reviews for information regarding individual facilities and areas/rooms within facilities – including staff areas, elevators, public restrooms, etc. Number of individuals per elevator will be posted. Some stairwells will be posted as one-way (up or down) ;
6. **PHYSICAL ALTERATIONS TO FACILITIES AND AREAS/ROOMS WITHIN FACILITIES WILL BE MADE** – including the installation of Plexiglas or other types of physical barriers

(stanchions), review of environmental and engineering controls (increase ventilation), the removal of excess chairs and/or cloth chairs, the increase of physical space between staff (moving furniture, desks), as well as the addition of appropriate **signage** and social distancing markers (tape, etc.);

7. **APPROPRIATE CLEANING/SANITARY MATERIALS AND SUPPLIES WILL BE MADE AVAILABLE TO THE STAFF AND THE PUBLIC** – including protective face masks, gloves, hand sanitizers (including wall mounted units whenever possible), soap, disinfectant wipes, disinfectant sprays, tissues, trash cans, etc;
8. **REGULARLY SCHEDULED CLEANING/SANITIZING OF ALL FACILITIES WILL BE CONDUCTED** – determined by facility (the Courthouse is cleaned daily, and some areas multiple times a day – other facilities will be cleaned a minimum of 2 times per week - for all spaces utilized for in-person matters) – by county cleaning staff or professional cleaning service;
9. **ADMINISTRATIVE CONTROLS WILL BE IMPLEMENTED** – directives to staff and/or changes in work policies or procedures to reduce or minimize exposure, including: encouraging working remotely, encouraging sick staff to stay at home, encouraging safe work practices within the facility (hand washing, avoiding high-touch surfaces, etc.), minimizing contact among staff, **establishing alternating days or flexible work hours (staggered shifts), if possible**, to reduce the number of staff in any facility at any given time, and maintaining a ban on nonessential travel;

COURT FACILITIES:

As noted above, this protocol covers general principles that apply to ALL facilities, as well as specific directives for individual facilities, based on individual facility assessments. The following court facilities, as well as all public and staff spaces within the court facility, were assessed from a safety standpoint:

1. **The Montgomery County Courthouse** – all court, court-related and public spaces;
2. **24 Montgomery County Magisterial District Court facilities** – housing 30 MDJ offices.

Specific safety directives are noted on each assessment. Note - for security reasons, individual facility assessments - and the resulting safety directives therein - will not be made available to the public. Facility assessments have not yet been completed for all other court facilities (OMP, 321 Swede, APO, JPO).

Updated: 5/18/2020