



Best Practices for All Court Proceedings During COVID-19 Pandemic (Effective May 2021)

- **Courts should review and consider implementing the updated [health recommendations](#) made by the Texas Department of State Health Services (DSHS).**
- **Courts should post on the court’s website or another public site the minimum standard health protocols adopted by the local administrative district judge or municipal court presiding judge.** These protocols are minimum standards that must be employed by all judges in the court buildings. Judges who wish to have in-person proceedings may have more stringent standards in their courtrooms but may not have less stringent standards.
- **Courts are encouraged to conduct proceedings remotely where doing so would improve access to justice.**
Though in-person proceedings are allowed when minimum standard health protocols and an in-person proceedings schedule have been adopted by the local administrative district judge or presiding judge of the municipal court, as applicable, courts are encouraged to conduct proceedings remotely (such as by teleconferencing, videoconferencing, or other means) where doing so would improve access to justice.¹ Courts should also consider conducting hybrid hearings.
- **Judge and Court Staff Health**
Courts should take precautions to ensure judges and court staff do not enter the courthouse when there is a likelihood that they may have COVID-19 or have been recently exposed to COVID-19, and courts should take reasonable steps to protect judges and court staff from contracting COVID-19.

Courts may wish to consider teleworking for judges and court staff whenever doing so would be beneficial for judge or court staff health or is feasible.
- **Scheduling**
The in-person proceedings schedule adopted by the local administrative district judge or municipal court presiding judge, as applicable, should ensure that unvaccinated persons are able to adequately social distance while in the courtroom and public spaces of the building. It may be necessary to designate certain areas of the courtroom with adequate social distancing for unvaccinated persons.

Judges may wish to limit docket sizes to ensure that adequate social distancing is maintained in

¹ Courts who need technical assistance with remote proceedings may contact the Office of Court Administration at zoomhelp@txcourts.gov.

the courtroom, in the areas around the courtroom, and in the courthouse.

- **Vulnerable Populations**

Judges should include with notices of court settings information for unvaccinated individuals or those who live with or are caregivers for unvaccinated individuals setting out how those individuals can request accommodations to reduce the appearance of those individuals at the courthouse.

- **Witnesses**

Courts should inquire whether witnesses to proceedings have COVID-related issues. To the degree constitutionally permissible, judges should consider permitting witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or indicates that he/she is unvaccinated.

- **Screening**

Individuals feeling feverish or with measured temperatures equal to or greater than 100.0°F, or with new or worsening signs or symptoms of COVID-19 such as fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, and diarrhea should not be permitted in a court facility.

Courts should implement a screening protocol to screen all court participants and observers to determine if the individual has or has recently had symptoms of COVID-19 or been exposed to COVID-19.

Special attention should be given to how inmates or detainees from jail and juvenile facilities who may be transported to a courtroom will be screened, including consideration of a lower threshold temperature of 99.6°F as an indicator of symptoms.²

Unvaccinated screeners should be provided appropriate face protection and gloves.

- **Social Distancing**

Courts should consider how to permit social distancing in public common areas, galleries of courtrooms, wells of the courtroom, hallways, elevators, restrooms, or other locations where the unvaccinated public might gather. Fully vaccinated individuals are not required to socially distance.

Special attention should be given to scheduling in buildings with multiple courtrooms, as common areas such as waiting areas, halls and elevators may become crowded in such a way that it is impossible to maintain appropriate social distancing for unvaccinated individuals.

Special attention should be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

- **Face coverings**

Cloth face coverings, at a minimum, should be encouraged of unvaccinated court participants or individuals planning to enter courtrooms or court-related offices while in the courthouse.

² Suggestion for considering lower threshold for jail inmates made by DSHS physicians.

Participants or individuals who are fully vaccinated are not required to wear a face covering.

As the Supreme Court’s [38th Emergency Order](#) states, courts may take any reasonable action to avoid exposing court proceedings to the threat of COVID-19. As stated in [Attorney General Opinion KP-0322](#), “judges possess broad inherent authority to control orderly proceedings in their courtrooms, and pursuant to that authority, they can require individuals in the courtroom to wear facial coverings” and “may require any person entering the courthouse in which they preside to wear a facial covering while in the courthouse.” Previously-issued executive orders do not alter the Supreme Court’s emergency order, the ability of a judge to control his or her courtroom, or judiciary-imposed requirements for those entering a court building who will be attending a court proceeding.

- **Summoning Jurors**

Courts should include with juror summonses information on precautions that have been taken to protect the health and safety of prospective jurors and COVID questionnaires that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.³

Courts should consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons. Courts should liberally grant excuses or reschedule prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19.

Courts should consider conducting voir dire remotely even if the trial portion will be conducted in person.

- **Location(s) for Jury Selection, Trial, and Deliberation**

Courts may wish to use a location for conducting the various phases of a jury proceeding that enables adequate social distancing for unvaccinated persons. Courts should detail how the court will ensure adequate security at any alternative location.⁴

³ See [sample COVID-19 questionnaire](#).

⁴ Courts who may need to hold a proceeding outside of the courthouse should review Chapter 292 of the Local Government Code (related to having an auxiliary facility designated as a courthouse) and Government Code Sections 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings.