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Breeley Robinson
CLERK OF SUPERIOR COURT

IN THE SUPERIOR COURT OF HARALSON COUNTY
STATE OF GEORGIA

**ORDER ESTABLISHING RULES FOR COURTHOUSE ACCESS
DURING DECLARED JUDICIAL EMERGENCY**

Because Chief Justice Harold Melton has extended the current Judicial Emergency for a fourth time, now until Tuesday, August 11, 2020, at 11:59 P.M., the chief judge of the Haralson County Superior Court herein sets forth the following standards for court house operations occurring after July 13, 2020.

I. DURATION OF THIS ORDER -

This order is effective upon signature and will remain in effect until Tuesday, August 11, 2020, at 11:59 P.M.

II. GENERAL COURTHOUSE INFECTION CONTROL MEASURES -¹

1) Applicability of this Order to all courts and offices -

Chief Justice Melton has ordered that “[n]o court may compel the attendance of any person for a court proceeding if the court proceeding or the court facility in which it is to be held is not in compliance with this order, including in particular large calendar calls.”²

Due to the current increase in the COVID-19 infection rate reported in both Polk and Haralson counties, the undersigned chief judge pursuant to OCGA §§ 38-3-61 and 38-3-62 declares that **these general Courthouse infection control measures apply to all courts and offices located in the Haralson County Courthouse.**

The Court finds that this inclusive application is constitutional, necessitated by local conditions, and implemented to ensure that the courthouse remains accessible to carry out essential judicial functions.

¹ https://www.gasupreme.us/wp-content/uploads/2020/06/Georgia_Court_Reopening_Guide.pdf

² <https://www.gasupreme.us/wp-content/uploads/2020/07/4th-SJEO-FINAL.pdf>, at p. 6.

2) General Courthouse Access-

a) Face masks required-

- a. **All courthouse employees** shall wear a mask or face covering when entering and leaving the courthouse facility and when walking through hallways and other commonly shared areas. Whether courthouse employees must wear a mask or face covering while in their workspace is the decision of the appointed or elected official for whom they work.
- b. **All courthouse visitors** (which means all people who are not employed in an office located in courthouses) shall wear a mask or face covering when entering the court facility, shall not remove the face mask until they have left the courthouse, and shall abide by any additional rules for use of personal protective equipment required by the elected or appointed official whose courthouse office they are visiting.
- c. **Availability of face masks-** So long as quantities are reasonably available to the local government, masks will be provided to employees and members of the public seeking entry who do not have one on their person or in their vehicle.

b) Pre-entry screening:

The health of each litigant, lawyer, judge, court personnel, and the public is first and foremost a personal responsibility. Neither the undersigned nor the government in general can guarantee and does not guarantee that strict adherence to any public health guidance will prevent the contraction or spreading of any infectious disease, including COVID-19. Nonetheless, in a diligent effort to abide by public health guidance, it is further ordered that:

- a. **Temperature-** Courthouse security shall take the temperature of (i) each employee upon the employee's arrival for work; and (ii) of each visitor at the time they seek to enter the building. Temperatures shall be checked with a no-contact thermometer. **Courthouse security shall deny entry to anyone with a fever of 100.0 degrees or higher.** The officer taking temperatures shall use a face shield or mask when taking a temperature.

b. **Health questions-**

- i. **All courthouse visitors** must cooperate with and submit to pre-entry screening at the courthouse entrance pursuant to the public health guidance ³ attached hereto as **Exhibit “A.”** Courthouse security will determine whether entry is granted based upon the answers to the health questions.
 - ii. **All courthouse employees-** After being checked for temperature upon reporting to work, courthouse security is not required to ask health questions of courthouse employees. However, elected and appointed officials with offices in the courthouses shall prominently post the health questions for access to all their employees and ensure that their employees are familiar with the health questions and that they must not report to work if their answers would deny them entry to the courthouse if they were a visitor.
- c. **Social distancing required-** Each person must stay at least 6 feet (about 2 arms’ length) from all other people for the duration of their visit to the courthouse. This rule will apply **with no exceptions** to every proceeding, except for people who otherwise who work in the same office, or who reside in the same household. Minors who are not required to be a part of a legal proceeding should not be brought to the courthouse by a participating adult solely due to a lack of childcare. ⁴
- c) **Staging -** Individuals shall not congregate in common areas while waiting to access the courtroom.

The Sheriff or his lawful deputy assigned to courthouse security is authorized and directed to design a process to facilitate social distancing while individuals wait to enter the courtroom, such as:

- Floor or sidewalk markings to keep individuals six feet apart.
- Outdoor distancing so individuals can spread out.

³ [https://www.gasupreme.us/wp-content/uploads/2020/06/Georgia Court Reopening Guide.pdf](https://www.gasupreme.us/wp-content/uploads/2020/06/Georgia_Court_Reopening_Guide.pdf)

⁴ See: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fprevention.html

- Waiting in cars.
- Set up a tent where individuals can wait in compliance with social distancing measures.
- Call or send a text message when it's time to enter the building

d) Building Visitor Flow –

The Sheriff or his lawful deputy assigned to courthouse security is authorized and directed to design a process to facilitate traffic flow within the courthouse to control the route that people will take through the building to access the courtrooms to encourage social distancing, such as:

- Roping or taping off certain seating areas or hallways.
- Placing arrows on the floors to direct foot traffic.
- Requiring people to maintain 6 feet separation when entering and exiting the main courthouse door.
- Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.

e) Room Capacity Limitations- Room capacity shall be limited throughout the courthouse facility. The Sheriff or his designated deputy in charge of courthouse security shall calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. The Sheriff shall use his best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

3) Courthouse Infection Control Measures-

As required by the Georgia Supreme Court,⁵ the County Government shall take all reasonable and necessary steps to comply with the following infection control measures at the county courthouse:

a) General courthouse infection control:

- o Provide the public with access to handwashing and multiple hand sanitizer stations throughout the facility.
- o Provide signage to direct the public to bathrooms for handwashing and hand sanitizer stations.

⁵ https://www.gasupreme.us/wp-content/uploads/2020/06/Georgia_Court_Reopening_Guide.pdf

- o Request that housekeeping personnel clean and sanitize bathrooms and other areas more frequently and adequately to control the transmission of COVID-19.
- o All restrooms must be well-stocked with HOT water, soap, and paper towels at all times.
- o Post signage limiting restroom capacity to facilitate social distancing.
- o Post adequate signage to provide the public with instructions on how to comply with health and safety measures.
- o Post signage and floor decals to direct the flow of foot traffic throughout the court facility.
- o Prohibit the use of water fountains.
- o Consider installation of physical barriers like plexiglass to protect court employees and the public.
- o Permit employees and the public to wear their own protective equipment, including a face covering.
- o Any person not wearing a mask should remain at least ten feet away from other people.
- o Ventilation system: Work with public health to evaluate ventilation needs. The CDC recommends improving central air filtration to a MERV-13 filter or the highest compatible with the filter rack, as well as sealing the edges of the filter to limit bypass.
- o Locate additional space: Identify other government facility space to provide more room, e.g., commission meeting rooms, jury assembly rooms, auditoriums, etc.
- o Coordinate your efforts with the other occupants/agencies/offices in your building to ensure uniform practices throughout the facility.
- o Isolate persons who become symptomatic while in the court facility until they are able to leave and remove others from any rooms they have occupied.

- o Consult a public health or medical professional if you have questions or need help adapting these guidelines to your unique circumstances.

b) Courtroom infection control:

All officials using any courtroom shall abide by the following general practices developed by the Georgia Judicial Council Strategic Plan Standing Committee to ensure the health and safety of both court employees and the public:

- o Maintain a six foot distance in the courtroom between individuals who do not reside together to facilitate adequate social distancing.
- o Limit Courtroom Capacity -
 - Do not schedule more individuals to arrive at the courtroom (including staff) than the square footage of the courtroom can accommodate to allow for social distancing. One way to calculate room capacity is to use the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person.
- o Continue to conduct virtual hearings by video conference or teleconferencing whenever possible.
- o Consider providing a live YouTube, Facebook, Zoom or other link to individuals who want to see what is going on in the courtroom but cannot be present due to room capacity.
- o Rotate individuals in and out of the courtroom as quickly as possible to limit contact.
- o Use microphones capable of picking up audio from a safe distance or clean close proximity microphones after each use.
- o Court employees should wear gloves and hold handheld microphones if used.
- o Limit contact with shared documents and exhibits as much as possible.
- o Present documents and exhibits electronically if possible and appropriate.

- o Conduct bench conferences in a room that provides for adequate social distancing (defendant may need to waive his or her presence if necessary).
- o Disinfect the courtroom after each proceeding or as frequently as practicable.
- o Consider Staggered Scheduling. Under normal circumstances, it is common to have large calendar calls in many courts where many people report at one time.
 - To maintain adequate social distancing, stagger the arrival of persons participating in proceedings to ensure that a large number of individuals do not arrive at the same time.
 - For example, if a courtroom can accommodate twelve people, do not schedule your normal 50 person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 a.m. and the second group of 12 for 10:00 a.m., etc.

III. EXITING THE COURTHOUSE

Upon conclusion of their business, all courthouse visitors who are not employees of an office located within the courthouse are required to leave the courtroom and courthouse immediately upon conclusion of their hearing or other business. They will not be allowed to linger in the halls, rooms or offices. Follow-up meetings between counsel and clients and/or witnesses must be arranged to take place by phone or at counsel's office or other location. The only exception to the requirement of prompt departure is when a participant needs to visit an office located in the courthouse for *bona fide* business purposes, whether or not related to the purpose of the judicial proceeding for which the participant appeared.

IV. MANAGING SUSPECTED EXPOSURE TO COVID-19 BY AND FROM COURT FACILITY STAFF AND VISITORS⁶

When there is reason to believe that **anyone** who **works at a court facility** or has **visited a court facility** has been exposed to COVID-19, the individual with such knowledge shall *immediately* communicate that knowledge to Chief Superior Court Judge Mark H. Murphy at 770-749-2976 and to hprescott@haralsoncountyga.gov.

⁶ <https://www.gasupreme.us/wp-content/uploads/2020/07/4th-SJEO-FINAL.pdf>

In turn, the DPH or the local health department shall be notified by the office of Judge Murphy and notification of persons who may have been exposed shall occur as directed by DPH or the local health department.

V. WHEN ISOLATION OR QUARANTINE OF COURT FACILITY EMPLOYEES IS REQUIRED

As ordered by the Chief Justice, with regard to everyone **who works in a court facility**:

- 1) **isolation is required** of any person with known or suspected COVID-19.⁷

*Persons With **Known** COVID-19.* Upon notification by a healthcare provider, public health official, or clinical laboratory of a positive laboratory-confirmed test for COVID-19, the person testing positive for COVID-19 shall immediately isolate himself or herself at home or another location approved by the Department.

*Persons With **Suspected** COVID-19.* Upon notification by a healthcare provider or public health official that COVID-19 infection is diagnosed or suspected based on symptoms, the person with suspected COVID-19 infection shall immediately isolate himself or herself at home or another location approved by the Department. As of the date of this Order, the CDC recognizes the following symptoms of COVID-19 infection: fever (a measured temperature over 100.4 degrees Fahrenheit or a feeling of feverishness), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.

***As ordered by Kathleen E. Toomey, M.D., M.P.H.
Commissioner, State Health Officer,⁸ each isolated court facility
worker shall follow the isolation regulations below:***

- a) Each isolated person shall avoid unnecessary physical contact with any and all persons and shall comply fully with the Isolation Protocol attached to this Order, which may be updated from time to time based on CDC guidance.

⁷ <https://www.gasupreme.us/wp-content/uploads/2020/07/7-Seventh-Amended-Administrative-Order-for-Public-Health-Control-Measures.pdf>

⁸ <https://www.gasupreme.us/wp-content/uploads/2020/07/7-Seventh-Amended-Administrative-Order-for-Public-Health-Control-Measures.pdf>

b) Each isolated person shall remain in isolation until such time as he or she no longer presents a risk of infection to the public, as determined by the Isolation Protocol then in effect.

As of the date of this Administrative Order,⁹ the Isolation Protocol requires an isolated person to remain in isolation until either:

- the person's fever has been gone for at least seventy-two (72) hours, without taking fever-reducing medication, and
- the person's other symptoms have shown progressive improvement, and
- at least ten (10) days have elapsed from the date symptoms began,

or

- for a person who was placed under home isolation due to a laboratory-confirmed positive test result, but who has experienced no symptoms of COVID-19, until at least ten (10) days have elapsed since the date of the person's first positive diagnostic test.

c) Isolated persons should monitor their symptoms and seek prompt medical attention if worsening symptoms develop, as instructed in the Isolation Protocol. An exception to the requirement for isolation applies in the event of an emergency, such as a fire or natural disaster, or if the person's health condition worsens and he or she requires treatment in a healthcare facility.

d) Each isolated person shall cooperate with state and local public health personnel by answering questions as necessary to identify and locate those persons with whom the isolated person has been in close contact (within six (6) feet for fifteen (15) minutes or more) beginning two (2) days before symptoms began or, for isolated persons who have experienced no symptoms of COVID-19, beginning two (2) days before the test sample was obtained. If requested by public health personnel, the isolated person shall provide a list of the locations visited by the isolated person during the time frame that he or she may have been able to transmit the disease.

2) **quarantine is required** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Seventh Amended Administrative Order for Public Health Control Measures.¹⁰

⁹ <https://www.gasupreme.us/wp-content/uploads/2020/07/7-Seventh-Amended-Administrative-Order-for-Public-Health-Control-Measures.pdf>

¹⁰ <https://www.gasupreme.us/wp-content/uploads/2020/07/4th-SJEO-FINAL.pdf>

Persons With COVID-19 Exposure Likely to Result in Infection. Upon notification by a healthcare provider, public health official, or isolated person of exposure to COVID-19 based on close contact (within six (6) feet for fifteen (15) minutes or more) with a person who must be isolated as provided herein, the person so exposed shall immediately quarantine himself or herself at home or another location approved by the Department.

***As ordered by Kathleen E. Toomey, M.D., M.P.H.
Commissioner, State Health Officer, ¹¹ each quarantined court facility worker shall follow the quarantine regulations below:***

a) Each quarantined person shall remain at home or in the approved quarantine location for a period of fourteen (14) days from the person's last known exposure to COVID-19. An exception to the requirement for quarantine applies in the event of an emergency, such as a fire or natural disaster, or if the person requires treatment in a healthcare facility. Health care providers, emergency medical services workers, first responders, and other critical infrastructure workers may continue to work, in consultation with their workplace occupational health program and if necessary to ensure adequate staffing, so long as they are asymptomatic, don masks while on duty, and comply with all other quarantine requirements for the duration of the fourteen (14) day period.

b) During the period of quarantine, the quarantined person shall take his or her temperature twice per day and monitor any symptoms of respiratory illness. If at any time the quarantined person experiences symptoms of COVID-19, including cough, shortness of breath or difficulty breathing, fever (a measured temperature Page 4 of 4 over 100.4 degrees Fahrenheit or a feeling of feverishness), chills, muscle pain, sore throat, or new loss of taste or smell, the quarantined person shall be considered a person with suspected COVID-19 and shall follow the requirements for isolation set forth above.

3) Communications by court facility staff with others outside the isolation or quarantine site:

Staff members of the Georgia Department of Public Health remain available at 866-PUB-HLTH (866-782-4584) to provide assistance and counseling to persons subject to the Administrative Order of Kathleen E. Toomey, M.D., M.P.H. Commissioner, State Health Officer, concerning their illness or exposure and their

¹¹ <https://www.gasupreme.us/wp-content/uploads/2020/07/7-Seventh-Amended-Administrative-Order-for-Public-Health-Control-Measures.pdf>

compliance with her Administrative Order. During the period of isolation or quarantine, the ability of persons subject to her Administrative Order to communicate with others outside the isolation or quarantine site, including their ability to exchange confidential communications with legal and medical advisors of their own choosing, will be preserved and facilitated to the extent possible without jeopardizing the integrity of the isolation or quarantine. ¹²

VI. POSTING AND PUBLICATION OF THESE PROCEDURES

Pursuant to Chief Justice Melton's order of July 10, 2020, it is ORDERED that

- 1) these operating guidelines be submitted to the Administrative Office of the Courts at:

<https://georgiacourts.gov/covid-19-court-operating-guidelines-form/>

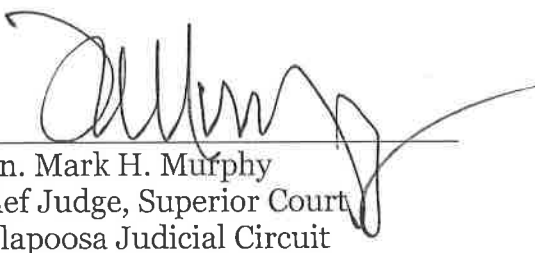
in order to be posted at:

<https://georgiacourts.gov/covid-19-court-operating-guidelines/>

as a centralized website available to litigants, lawyers, and the public; and,

- 2) the Clerk of Superior Court is authorized and directed to prominently post these guidelines at the courthouse public entrances and on the clerk's and county government websites to provide advance notice to litigants, lawyers, and the public.

It is SO ORDERED this 22 day of July, 2020, at 3:54 o'clock P.M., at Buchanan, Georgia.



Hon. Mark H. Murphy
Chief Judge, Superior Court
Tallapoosa Judicial Circuit

¹² <https://www.gasupreme.us/wp-content/uploads/2020/07/7-Seventh-Amended-Administrative-Order-for-Public-Health-Control-Measures.pdf>

EXHIBIT A

Guidelines for Screening and Staging Visitors at the Entrance to the Courthouse

Screening individuals for COVID-19 before entering the court building and the courtroom

The Sheriff or his lawful deputy assigned to courthouse security is authorized and directed to ask the following series of questions to each individual before they are allowed entry to the courthouse:

HEALTH QUESTIONS-

Have you traveled to or from any areas in which COVID-19 is particularly active? If YES, where and when? *If so, they should be denied entry if the travel was within the last 14 days.*

Have you, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell? *If so, they should be denied entry.*

Have you been in contact with someone known to have COVID-19 within the last 14 days? *If so, they should be denied entry.*

Have you been tested for COVID-19? If yes, when and what was the result of such test? *If it was positive within the past 14 days they should be denied entry.*

Have you had a fever above 100.0 degrees in the past 72 hours? *If so, they should be denied entry.*

Instructions for all persons denied entry for failure to pass COVID-19

Screening:

- 1) The following information shall be collected in writing from any person denied courthouse entry for COVID-19 health reasons: *name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.*

- 2) Court house security shall advise any person denied entry to seek medical evaluation and testing.
- 3) On a copy of the Court's calendar for that day, courthouse security shall mark with red marker the cases for which any person has been denied entry for health reasons; and,
- 4) Courthouse security shall deliver to the presiding judge's judicial assistant by close of business that same day that copy of the marked-up calendar along with a copy of their *name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.*
- 5) The presiding judge shall continue the case of all persons denied entry due to COVID-19 health reasons to a future date as warranted under the circumstances.