

COVID-19 Operating Plans -
Travis County Judiciary

COVID-19 Operating Plan - Travis County Civil Courts Judiciary

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the **Travis County Civil Courts** will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 29, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Law enforcement officers or other staff will monitor the health of anyone who enters the court building at security screening.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: The protected measures will be in compliance with the Travis County Local Health Authority's recommendations such as social distancing, wearing and safety shields for added protection for judges and staff who regularly interact with others.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building: The Civil Courts intend to have separate morning and afternoon dockets that will have a limited number of cases set and a limited amount of time for each hearing. Additionally, we will be using submission dockets as much as possible and utilize teleconferencing and remote proceedings for all appearances as much as possible.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building (a copy of the policy entitled, "*Civil Courts Policy and Procedures Manual Ensuring Effective Communications with Individuals with Disabilities,*" is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by completing an application pursuant to those policies, also attached.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snack rooms, have been closed to the public.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted.
6. The maximum capacity of the courtroom will be monitored and enforced by court staff.
7. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

8. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When individuals attempt to enter the court building, law enforcement officers or other staff will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, law enforcement officers or other staff will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including facemasks, gloves and Plexiglass or acrylic safety shields.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every few hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

The COVID-19 Operating Plans for the Travis County Criminal Courts, Juvenile Courts, Justice of the Peace Courts and IV-D Associate Judge Court are included in the appendices as follows:

Appendix A – Travis County Criminal Courts

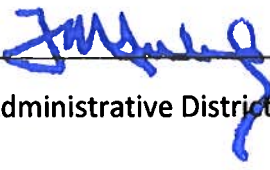
Appendix B – Travis County Juvenile Courts

Appendix C – Travis County Justices of the Peace Courts

Appendix D – Travis County IV-D Associate Judge Court

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 22, 2020



Local Administrative District Judge

TRAVIS COUNTY CIVIL COURTS

Policy and Procedures Manual For

Ensuring Effective Communications

with Individuals with Disabilities

The Americans with Disabilities Act (ADA), a federal civil rights statute, requires all state and local governmental entities, including the courts, to accommodate the needs of persons with disabilities who have an interest in court activities, programs, and services. In accordance with this statute, the Travis County Civil Courts adopted the following policy and procedures for ensuring effective communications with individuals with disabilities.

I. Policy

It is the policy of the Civil Courts to ensure that communications with individuals with disabilities in our programs, services, and activities are as effective as communications with individuals without disabilities, consistent with the requirements of Title II of the Americans with Disabilities Act (ADA)¹. To meet this obligation, the Civil Courts will provide, free of any additional charge, appropriate auxiliary aids and services, whenever necessary, to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.² This policy applies to all members of the public who seek to participate in the Court's programs, services, and activities, including parties to legal proceedings and their companions, witnesses, jurors, and spectators.

(a) What Are Appropriate Auxiliary Aids and Services?

Appropriate auxiliary aids and services include a wide variety of equipment, materials, and personal services that may be necessary to ensure effective communication for people with disabilities.³

- (1) For people who are blind or have low vision, appropriate auxiliary aids and services include, but are not limited to, qualified readers; printed information provided in Braille, in large print, in electronic format, or through audio recordings; oral descriptions of action and visual information to ensure the accessibility of proceedings and presentations; note takers; assistance in filling out forms or accessing materials in a**

¹ 42 U.S.C. §§ 12131 - 12134, and regulations implementing Title II, 28 C.F.R. pt. 35 (and for government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the implementing regulation, 28 C.F.R. Part 42, Subpart G)

² 28 C.F.R. §§ 35.130(f), 35.160(b)(1)

³ 28 C.F.R. §§ 35.104, 35.160.

computer database; screen reader software or text magnification software to make computer displays accessible; or an assistant to guide a person to find his or her way to an unfamiliar location or along an unfamiliar route.

- (2) **For people who are deaf, are hard of hearing, or have speech impairments**, appropriate auxiliary aids include, but are not limited to, qualified oral/sign language interpreters, written notes, note takers, computer-assisted real-time transcription services, video text displays, amplified and hearing aid compatible telephones, assistive listening systems, open or closed captioning and caption decoders, teletypewriters (TTYs), computer terminals equipped for video communication, and other effective methods of making information or materials delivered using sound available to individuals who are deaf or hard of hearing.

(b) What does the term “qualified interpreter” mean?

The term "qualified interpreter" includes "sign language interpreters," "oral interpreters," or other "interpreters" who are able to interpret competently, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual's language skills and education. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter." Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter.⁴ An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be "qualified."

(c) Can the Court ask or require family members or friends of individuals who are deaf, are hard of hearing, or have speech impairments to interpret for them?

No. The Court may not ask or require friends or family members to interpret for individuals who are deaf, are hard of hearing, or have speech impairments because a family member or friend may not be qualified to render the necessary interpretation due to factors such as professional or personal involvement.

⁴ 28 C.F.R. § 35.104

(d) Can the Court charge an individual with a disability for the cost of providing an auxiliary aid or service needed for effective communication?

No. People with disabilities must not be asked to pay for, or be charged for the cost of an auxiliary aid or service needed for effective communication.⁵ For example, the Court may generally charge its standard per page fee for providing a person with a disability a copy of a document. However, the fee charged for a copy of a document provided in Braille or large print format may not exceed the charge ordinarily imposed for a standard print copy of the same document. Likewise, individuals with disabilities may not be charged the costs of converting a print document to a different format or for the additional pages that will likely result from that format change.

(e) Are there specific procedures for requesting auxiliary aids and services?

Whenever possible, requests for auxiliary aids and services should be directed to Peg Liedtke, the Court's ADA Coordinator, Room 327, District Judges' Office, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas, 512/854-9300, peg.liedtke@co.travis.tx.us. Requests can be made by an individual with a disability who need the auxiliary aids or services, or by someone acting on that individual's behalf. When the Court's ADA Coordinator is not available to receive a request, the request should be directed to her designee, Lorraine Elzia in Room 327, District Judges' Office, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas, 512/854-9300, lorraine.elzia@co.travis.tx.us. Requests can be made either in writing or orally. Requests should be made in advance, whenever possible, in order to better enable the Court to address the communication needs of the individual. However, it is the policy of the Court for all requests for auxiliary aids and services submitted to Court personnel to be addressed promptly and in accordance with ADA requirements.

(f) How will the Court determine which auxiliary aids and services to provide?

In determining which types of auxiliary aids and services to provide, the Court will give "primary consideration" to the request of the individual with a disability. "Primary consideration" means that the Court will defer to the individual's request unless the Court determines that it has an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with the disability for whom auxiliary aids and services have been requested.⁶

⁵ 28 C.F.R. § 35.130(f)

⁶ 28 C.F.R. § 35.160(b)(2)

(g) How will the Court handle requests for auxiliary aids and services?

Court personnel will confer with the individual with the disability upon notification that any auxiliary aids and services may be required to ascertain the circumstances, requirements, and preferences of the individual. The Court will respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities. Documentation of disability will generally not be requested or required. All non-routine requests will be promptly referred to the Civil Courts ADA Coordinator (or her designee) for review, consideration and response.

Court personnel will maintain records of requests for auxiliary aids and services except for simple requests that can be immediately granted (*e.g.*, guiding a blind person to the correct courtroom, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing). Court personnel will ensure the confidentiality of this information and will keep it in a secure location separate from other records (such as court case files) relating to the individual with a disability.

The Court will not disclose information about an individual's disability or requests for auxiliary aids and services except to court personnel who have a need to know this information (*e.g.*, to make a decision on a request and/or to provide the auxiliary aids and services). Information about an individual's disability and requests for auxiliary aids and services will not be disclosed to individuals who have no legitimate need to know this information, including court personnel and participants in court proceedings.

(h) What records will the court keep regarding auxiliary aids and services?

Except for simple requests that are immediately granted, the ADA Coordinator will maintain records of requests for auxiliary aids and services and actions taken to address them.⁷ If the requested auxiliary aids and services are not being provided, records must include a description of any auxiliary aids and services that were provided /offered, the date they were provided/offered, the date of and reasons for denying the requested auxiliary aids and services, and the name of the Judge or the ADA Coordinator. When a request is denied because the provision of the requested auxiliary aids and services would result in a fundamental alteration or undue financial and administrative burdens, additional requirements must be met.

⁷ These records will include the date on which the request was made, the name of the individual making the request, the name of the individual for whom the auxiliary aids and services are sought, the auxiliary aids and services requested, the date on which a response to the request was provided, a description of the auxiliary aids and services provided, and the date on which the auxiliary aids and services were provided.

(i) What should Court personnel do if they believe that provision of requested auxiliary aids and services will result in a fundamental alteration or impose undue financial and administrative burdens on the Court?

The Court is not required to provide a requested auxiliary aid or service if the Court can demonstrate that providing it would result in a fundamental alteration to the nature of the Court's programs, services, and activities or impose undue financial and administrative burdens. However, in circumstances where the Court has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, the Court shall take any other actions that would not result in a fundamental alteration or undue financial and administrative burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.

All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by a Judge or his/her designee after considering all resources available to the Court for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion.⁸

Any questions about this policy should be directed to Peg Liedtke, the Civil Court's ADA Coordinator, Room 327, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas 781701, 512/854-9300, peg.liedtke@co.travis.tx.us.

II. Procedures

(a) Requesting appropriate auxiliary aids and services

- (1) Requests for auxiliary aids and services may be presented by an individual or his/her representative on a form approved by the Travis County Civil Courts, in another written format, or orally or video/telephone relay. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (a)(3).
- (2) Requests for auxiliary aids and services should include:
 - Name and contact information of the requesting party, and name and contact information of the individual with a disability, if different;
 - Type of auxiliary aids and/or services needed for effective communication;
 - Name of the court and the proceeding, if applicable; and
 - Date and duration of the requested auxiliary aids and/or services.

⁸ 28 C.F.R. § 35.164

The court, in its discretion, may require the applicant to provide additional information about the impairment to facilitate consideration of the request.

- (3) Requests for appropriate auxiliary aids and services must be made as far in advance as possible. The court may, in its discretion, waive this requirement. Advance notice is generally needed to provide qualified sign language interpreter services and documents in Braille formats. Providing documents in electronic format generally can be accomplished within the same time frames as requests for print documents. However, all requests for auxiliary aids and/or services will be addressed promptly in accordance with ADA requirements.
- (4) The Court will keep confidential all information of the applicant concerning the request for auxiliary aids and/or services, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for auxiliary aids and/or services.

(b) Records

Court personnel will maintain records of requests for auxiliary aids and services except for simple requests that can be immediately granted (*e.g.*, guiding a blind person to the correct courtroom, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing).

Court personnel will ensure the confidentiality of this information and will keep it in a secure location separate from other records (such as court case files) relating to the individual with a disability.

The Court will not disclose information about an individual's disability or requests for auxiliary aids and services except to court personnel who have a need to know this information (*e.g.*, to make a decision on a request and/or to provide the auxiliary aids and services). Information about an individual's disability and requests for auxiliary aids and services will not be disclosed to individuals who have no legitimate need to know this information, including court personnel and participants in court proceedings.

(c) Permitted communication

Communications under this procedure must address only the auxiliary aids and/or services requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(d) Considering request for appropriate auxiliary aids and/or services

- (1) When a request for auxiliary aids and/or services is received, court personnel will confer with the individual with a disability to ascertain the circumstances, requirements and preferences of the individual.
- (2) In determining which types of auxiliary aids and services to provide, the Court will give "primary consideration" to the request of the individual with a disability. "Primary consideration" means that the Court will defer to the individual's request unless the Court determines that it has an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with the disability for whom auxiliary aids and services have been requested.
- (3) The Court will respond promptly to requests for auxiliary aids and/or services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Court's programs, services and activities.
- (4) Documentation of disability will generally not be requested or required.

(e) Response to Auxiliary Aids and/or Services request

The court must promptly respond to a request for auxiliary aids and/or services as follows:

- (1) The Court will consider, but is not limited by, the provisions of the Americans With Disabilities Act of 1990, and other applicable state and federal laws in determining whether to provide an auxiliary aid and/or service or an appropriate alternative auxiliary aid and/or service.
- (2) The Court will inform the applicant in writing, as may be appropriate, and if applicable, in an alternative format, of the following:
 - (A) That the request for auxiliary aids and/or services is granted or denied, in whole or in part, and if the request for auxiliary aids and/or services is denied, the reason therefore; or that an alternative auxiliary aid and/or service is granted;
 - (B) The nature of the auxiliary aids and/or services to be provided, if any; and
 - (C) The duration of the auxiliary aids and/or services to be provided.
 - (D) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(f) Denial of Auxiliary Aids and/or Services request

A request for auxiliary aids and/or services may be denied only when the Court determines that:

- (1) The requested auxiliary aids and/or services would create an undue financial or administrative burden on the Court; or
- (2) The requested auxiliary aids and/or services would fundamentally alter the nature of the service, program, or activity.

The Court is not required to provide a requested auxiliary aid or service if the Court can demonstrate that providing it would result in a fundamental alteration to the nature of the Court's programs, services, and activities or impose undue financial and administrative burdens. However, in circumstances where the Court has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, the Court shall take any other actions that would not result in a fundamental alteration or undue financial and administrative burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.

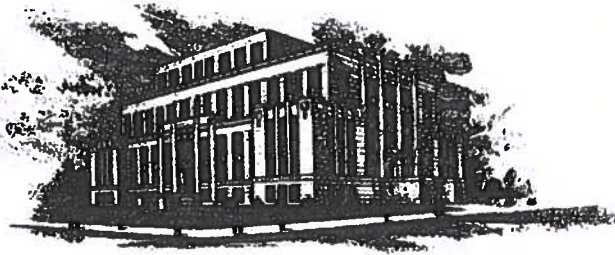
All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by a Judge or his/her designee after considering all resources available to the Court for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion

(g) Review procedure

- (1) An applicant or any participant in the proceeding in which an auxiliary aids and/or services request has been denied or granted may seek review of a determination made by non-judicial court personnel within 10 days of the date of the response by submitting, in writing, a request for review to the Local Administrative Judge or designated judicial officer.
- (2) An applicant or any participant in the proceeding in which an auxiliary aids and/or services request has been denied or granted may seek review of a determination made by a judge or another judicial officer within 10 days of the date of the notice of determination by filing a request for extraordinary relief with the Presiding Judge of the Third Administrative Judicial Region.
- (3) The confidentiality of all information of the applicant concerning the request for auxiliary aids and services and review under (e)(1) or (2) must be maintained as required under (a)(4).

(h) Duration of auxiliary aids and services

The auxiliary aids and/or services must be provided for the duration indicated in the response to the request for auxiliary aids and/or services and must remain in effect for the period specified, unless no longer needed. The duration of provision of the auxiliary aids and/or services[s] will be determined by the Court, taking in to consideration the factors set forth above.



APPLICANT'S INFORMATION TO BE KEPT CONFIDENTIAL

APPLICANT (name):	FOR COURT USE ONLY
APPLICANT IS: <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input type="checkbox"/> Party <input type="checkbox"/> Other (Specify)	
Person submitting request (name):	
APPLICANT'S ADDRESS	
TELEPHONE NO:	
NAME OF COURT STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE	
COURT NUMBER/NAME OF JUDGE:	CASE NUMBER
CASE NAME:	
REQUEST FOR AUXILIARY AIDS AND/OR SERVICES BY PERSONS WITH DISABILITIES and ORDER	

Applicant requests auxiliary aids and/or services under the American with Disabilities Act as follows:

1. Type of proceeding: Family Civil
2. Proceedings to be covered (e.g., preliminary hearing, particular witness at trial, jury trial, trial to the court):
3. Dates auxiliary aids and/or services needed: (specify):
4. Type of auxiliary aids and/or services requested (be specific):
5. Special requests or anticipated problems (specify):
6. I request that my identity: BE kept CONFIDENTIAL NOT be kept CONFIDENTIAL

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.
Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

ORDER

- | | |
|---|---|
| <input type="checkbox"/> The request for auxiliary aids and/or services is GRANTED and the Court will provide:
<input type="checkbox"/> Requested auxiliary aids and/or services, in whole
<input type="checkbox"/> Request auxiliary aids and/or services, in part (specify below)

<input type="checkbox"/> Alternative auxiliary aids and/or services (Specify below)

<input type="checkbox"/> For the following duration:

<input type="checkbox"/> Applicant declined aids and/or services offered | <input type="checkbox"/> The request for auxiliary aids and/or services is DENIED because:
<input type="checkbox"/> The applicant does not satisfy the requirements
<input type="checkbox"/> It creates an undue burden on the court

<input type="checkbox"/> It fundamentally alters the nature of the service, program, or activity for the following reason (attach additional pages, if necessary): |
|---|---|

Date:

JUDGE'S SIGNATURE

COVID-19 Operating Plan for the County Criminal Courts Judiciary

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the **Travis County Criminal Courts** will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and the Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge and criminal courts presiding judge will maintain regular communication with the local health authority and county judge and will adjust this operating plan as necessary with conditions in the county.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 15, 2020

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Law enforcement officers will monitor the health of anyone who enters the Gault or Criminal Justice Center buildings at security screening.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: The protected measures will be in compliance with the Travis County Local Health Authority's recommendations such as social distancing, wearing facemasks and gloves, and safety shields for added protection for judges and staff who regularly interact with others.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
The District and County Court at Law Judges have developed the *Travis County Criminal Courts' COVID-19 Scheduling Plan* in the appendix of this document.

APPENDIX A – Travis County Criminal Courts

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building (a copy of the policy entitled, "*Travis County Criminal Courts Policy and Procedures Manual for Ensuring Effective Communications with Individuals with Disabilities*," is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by completing an application pursuant to those policies, also attached.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snack rooms, have been closed to the public.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.

APPENDIX A – Travis County Criminal Courts

2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When individuals attempt to enter the court building, law enforcement officers will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, law enforcement officers will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment, including facemasks, gloves, and Plexiglas or acrylic safety shields.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every few hours.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

Not applicable.

APPENDIX A – Travis County Criminal Courts

I have consulted and conferred with all judges of each of the designated courts occupying courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and the county judge, documentation of which is attached to this plan. I will ensure that all of the judges of each of our designated courts, holding official court proceedings at any location including the court building covered by this Operating Plan, will conduct all proceedings consistent with the specifications of this plan.

Travis County Criminal Courts' COVID-19 Scheduling Plan

Phase I

In accordance with the Office of Court Administration Guidelines issued on May 4, 2020, the Criminal Courts have taken necessary steps to ensure the health and safety of those entering the Criminal Justice Center (CJC) court building for court proceedings, and to reassure visitors' health and safety so that they feel safe returning to the courthouse. With the introduction of remote proceedings capability through Zoom, most essential and non-essential proceedings, except for jury trials, will be conducted remotely and reasonable notice and access will be provided to the participants and the public. Please see the court proceedings for district and county court cases:

District Court Proceedings on or after June 15, 2020

- 1. Each District Court will maintain the same virtual court day as currently assigned (this will include out of jail cases set to begin at a time after the jail docket is done; with no more than the same number of cases allowed for out of jail settings as currently allowed for the jail docket). Magistrate Docket will continue to be held two days per week virtually, for both in jail and out of jail cases.**
- 2. Up to four hours will be available for each virtual docket.**
- 3. Defense attorneys will have the same responsibilities of discussion, paperwork preparation, client communication, and coordination with the clerk's office in ensuring the appropriate paperwork is sent to the Court in adequate time for the docket to begin. Attorneys will be expected to attend a Virtual Court Training with CAPDS prior to appearing on a docket.**
- 4. Defense attorneys via CAPDS and/or ACDLA will train and coordinate with their client the method of contact necessary for the virtual court proceeding; access to phone or computer in order to participate in a zoom process; or, any other acceptable method of participation in the virtual court process.**
- 5. District Clerk staff for each court will coordinate the flow of electronic documents for each docket day with 10 in jail cases set and 10 out of jail cases.**
- 6. Several rooms will be set up on the first floor of the Criminal Justice Center with technology including laptops, printers and scanners. Break out rooms will also be available for attorney/client communication. Assistance will be provided by Criminal Court Administration staff. Use of rooms on the first floor will preclude the public and defendants from having to use elevators, and allow the Sheriff's Office to monitor courthouse activity. This will also allow the Sheriff's Office to ensure compliance with COVID-19 guidelines.**

7. Out of jail defendants who dispose of their cases will need to report to the CJC Lobby to provide fingerprints and sign documents. A deputy bailiff will escort them to the appropriate location on the first floor. Documents for all proceedings taking place on the first floor will need to be printed out for defendant signatures. Deputy bailiffs will also take fingerprints. A runner from the District Clerk's Office will pick up documents daily.
8. Each Court's assigned deputy bailiff will be available to assist the Court on their assigned virtual docket day. TCSO will use photo ID's and/or Tiburon to access booking photos to appropriately identify the defendant prior to taking fingerprints.
9. Any exceptional circumstances regarding pending cases should be discussed with the court of jurisdiction.

County Court at Law Proceedings on or after June 15, 2020

1. Each County Court at Law Judge will be assigned to preside over one daily BRD/SPRD/FV afternoon docket. Out of jail virtual hearings will be held by the Court during their scheduled day after completion of the in-jail docket. The same number of cases will be allowed for out of jail cases as in jail, and priority should be given to persons ready to dispose of their cases. Each court will handle their assigned out of jail cases.
2. When possible, pleas will be done in absentia. This process is effective and does not require the defendant's participation in the virtual proceeding.
3. Essential hearings such as protective orders, emergency hearings and mental health hearings may be held in-person, if virtual hearings cannot be accommodated. For all in court proceedings, social distancing personal protective equipment and protocols must be observed by all court personnel.
4. Defense attorneys have the same responsibilities of paperwork preparation, communication with clients and coordination with the County Clerk's Office/County Attorney's Office in ensuring the appropriate paperwork is sent to the Court in adequate time for the docket to begin. Attorneys are required to attend an orientation with CAPDS on virtual court sessions prior to appearing on the docket. Training and coordination would be necessary between the defense bar and the District and County Clerk
5. Attorneys via CAPDS and/or ACDLA will train and coordinate with their client the method of contact necessary for the virtual court proceeding; access to phone or computer in order to allow participation in a zoom process; or, any other acceptable method of participation in the virtual court process.
6. The County Clerk is responsible for document management on the in-jail and out of jail dockets.

- 7. Several rooms will be set up on the first floor of the Criminal Justice Center with technology including laptops, printers and scanners. Assistance will be provided by Criminal Court Administration staff. Use of rooms on the first floor would preclude the public and defendants from having to use elevators, and allow the Sheriff's Office to monitor courthouse activity. This will also allow the Sheriff's Office to ensure compliance with COVID-19 guidelines.**
- 8. Out of jail defendants that dispose of their cases will need to report to the CJC Lobby to provide fingerprints and sign documents, where a deputy bailiff will escort them to the appropriate location on the first floor. Documents for all proceedings taking place on the first floor will need to be printed out for defendant signatures. Deputy bailiffs will also take fingerprints. A runner from the County Clerk's Office will pick up documents and fingerprints daily.**
- 9. Each Court's assigned deputy bailiff will be available to assist the Court on their assigned virtual docket day. TCSO will use photo ID's and/or Tiburon to access booking photos to appropriately identify the defendant prior to taking fingerprints.**

TRAVIS COUNTY CRIMINAL COURTS

Policy and Procedures Manual For Ensuring Effective Communications with Individuals with Disabilities

The Americans with Disabilities Act (ADA), a federal civil rights statute, requires all state and local governmental entities, including the courts, to accommodate the needs of persons with disabilities who have an interest in court activities, programs, and services. In accordance with this statute, the Travis County Criminal Courts adopted the following policy and procedures for ensuring effective communications with individuals with disabilities.

I. Policy

It is the policy of the Criminal Courts to ensure that communications with individuals with disabilities in our programs, services, and activities are as effective as communications with individuals without disabilities, consistent with the requirements of Title II of the Americans with Disabilities Act (ADA)¹. To meet this obligation, the Criminal Courts will provide, free of any additional charge, appropriate auxiliary aids and services, whenever necessary, to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.² This policy applies to all members of the public who seek to participate in the Court's programs, services, and activities, including parties to legal proceedings and their companions, witnesses, jurors, and spectators.

(a) What Are Appropriate Auxiliary Aids and Services?

Appropriate auxiliary aids and services include a wide variety of equipment, materials, and personal services that may be necessary to ensure effective communication for people with disabilities.³

- (1) For people who are blind or have low vision, appropriate auxiliary aids and services include, but are not limited to, qualified readers; printed information provided in Braille, in large print, in electronic format, or through audio recordings; oral descriptions of action and visual information to ensure the accessibility of proceedings and presentations; note takers; assistance in filling out forms or accessing materials in a computer database; screen reader software or text magnification software to make computer displays accessible; or an

¹ 42 U.S.C. §§ 12131 - 12134, and regulations implementing Title II, 28 C.F.R. pt. 35 (and for government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the implementing regulation, 28 C.F.R. Part 42, Subpart G)

² 28 C.F.R. §§ 35.130(f), 35.160(b)(1)

³ 28 C.F.R. §§ 35.104, 35.160.

assistant to guide a person to find his or her way to an unfamiliar location or along an unfamiliar route.

- (2) For people who are deaf, are hard of hearing, or have speech impairments, appropriate auxiliary aids include, but are not limited to, qualified oral/sign language interpreters, written notes, note takers, computer-assisted real-time transcription services, video text displays, amplified and hearing aid compatible telephones, assistive listening systems, open or closed captioning and caption decoders, teletypewriters (TTYs), computer terminals equipped for video communication, and other effective methods of making information or materials delivered using sound available to individuals who are deaf or hard of hearing.

(b) What does the term “qualified interpreter” mean?

The term "qualified interpreter" includes "sign language interpreters," "oral interpreters," or other "interpreters" who are able to interpret competently, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual's language skills and education. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter." Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter.⁴ An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be "qualified."

(c) Can the Court ask or require family members or friends of individuals who are deaf, are hard of hearing, or have speech impairments to interpret for them?

No. The Court may not ask or require friends or family members to interpret for individuals who are deaf, are hard of hearing, or have speech impairments because a family member or friend may not be qualified to render the necessary interpretation due to factors such as professional or personal involvement.

(d) Can the Court charge an individual with a disability for the cost of providing an auxiliary aid or service needed for effective communication?

No. People with disabilities must not be asked to pay for, or be charged for the cost of an

⁴ 28 C.F.R. § 35.104

auxiliary aid or service needed for effective communication.⁵ For example, the Court may generally charge its standard per page fee for providing a person with a disability a copy of a document. However, the fee charged for a copy of a document provided in Braille or large print format may not exceed the charge ordinarily imposed for a standard print copy of the same document. Likewise, individuals with disabilities may not be charged the costs of converting a print document to a different format or for the additional pages that will likely result from that format change.

(e) Are there specific procedures for requesting auxiliary aids and services?

Whenever possible, requests for auxiliary aids and services should be directed to Debra Hale, the Criminal Court's ADA Coordinator, Room 2.700, Blackwell Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Texas, 78701, 512/854-3682, debra.hale@traviscountytexas.gov. Requests can be made by an individual with a disability who need the auxiliary aids or services, or by someone acting on that individual's behalf. When the Court's ADA Coordinator is not available to receive a request, the request should be directed to her designee, Margaret Terronez in Room 2.700, Blackwell Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Texas, 78701, 512/854-3682, margaret.terronez@traviscountytexas.gov. Requests can be made either in writing or orally. Requests should be made in advance, whenever possible, in order to better enable the Court to address the communication needs of the individual. However, it is the policy of the Court for all requests for auxiliary aids and services submitted to Court personnel to be addressed promptly and in accordance with ADA requirements.

(f) How will the Court determine which auxiliary aids and services to provide?

In determining which types of auxiliary aids and services to provide, the Court will give "primary consideration" to the request of the individual with a disability. "Primary consideration" means that the Court will defer to the individual's request unless the Court determines that it has an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with the disability for whom auxiliary aids and services have been requested.⁶

(g) How will the Court handle requests for auxiliary aids and services?

Court personnel will confer with the individual with the disability upon notification that any auxiliary aids and services may be required to ascertain the circumstances, requirements, and

⁵ 28 C.F.R. § 35.130(f)

⁶ 28 C.F.R. § 35.160(b)(2)

preferences of the individual. The Court will respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities. Documentation of disability will generally not be requested or required. All non-routine requests will be promptly referred to the Criminal Courts ADA Coordinator (or her designee) for review, consideration and response.

Court personnel will maintain records of requests for auxiliary aids and services except for simple requests that can be immediately granted (*e.g.*, guiding a blind person to the correct courtroom, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing). Court personnel will ensure the confidentiality of this information and will keep it in a secure location separate from other records (such as court case files) relating to the individual with a disability.

The Court will not disclose information about an individual's disability or requests for auxiliary aids and services except to court personnel who have a need to know this information (*e.g.*, to make a decision on a request and/or to provide the auxiliary aids and services). Information about an individual's disability and requests for auxiliary aids and services will not be disclosed to individuals who have no legitimate need to know this information, including court personnel and participants in court proceedings.

(h) What records will the court keep regarding auxiliary aids and services?

Except for simple requests that are immediately granted, the ADA Coordinator will maintain records of requests for auxiliary aids and services and actions taken to address them.⁷ If the requested auxiliary aids and services are not being provided, records must include a description of any auxiliary aids and services that were provided /offered, the date they were provided/offered, the date of and reasons for denying the requested auxiliary aids and services, and the name of the Judge or the ADA Coordinator. When a request is denied because the provision of the requested auxiliary aids and services would result in a fundamental alteration or undue financial and administrative burdens, additional requirements must be met.

(i) What should Court personnel do if they believe that provision of requested auxiliary aids and services will result in a fundamental alteration or impose undue financial and administrative burdens on the Court?

The Court is not required to provide a requested auxiliary aid or service if the Court can demonstrate that providing it would result in a fundamental alteration to the nature of the Court's programs, services, and activities or impose undue financial and administrative burdens.

⁷ These records will include the date on which the request was made, the name of the individual making the request, the name of the individual for whom the auxiliary aids and services are sought, the auxiliary aids and services requested, the date on which a response to the request was provided, a description of the auxiliary aids and services provided, and the date on which the auxiliary aids and services were provided.

However, in circumstances where the Court has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, the Court shall take any other actions that would not result in a fundamental alteration or undue financial and administrative burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.

All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by a Judge or his/her designee after considering all resources available to the Court for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion.⁸

Any questions about this policy should be directed to Debra Hale, the Criminal Court's ADA Coordinator, Room 2.700, Blackwell Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Texas, 78701, 512/854-3682, debra.hale@traviscountytexas.gov. If the ADA Coordinator is not available, questions may be directed to Margaret Terronez, Room 2.700, Blackwell Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Texas, 78701, 512/854-3682, margaret.terronez@traviscountytexas.gov.

II. Procedures

(a) Requesting accommodations

- (1) Requests for accommodations may be presented by an individual or his/her representative on a form approved by the Travis County Criminal Courts, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (a)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 3 court days before the requested implementation date. The court may, in its discretion, waive this requirement.
- (4) The Court will keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information

⁸28 C.F.R. § 35.164

pertaining to the applicant, and all oral or written communication from the applicant concerning the request for accommodation.

(b) Permitted communication

Communications under this procedure must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(c) Response to accommodation request

The court must promptly respond to a request for accommodation as follows:

- (1) The Court will consider, but is not limited by, the provisions of the Americans With Disabilities Act of 1990, and other applicable state and federal laws in determining whether to provide an accommodation or an appropriate alternative accommodation.
- (2) The Court will inform the applicant in writing, as may be appropriate, and if applicable, in an alternative format, of the following:
 - (A) That the request for accommodation is granted or denied, in whole or in part, and if the request for accommodation is denied, the reason therefore; or that an alternative accommodation is granted;
 - (B) The nature of the accommodation to be provided, if any; and
 - (C) The duration of the accommodation to be provided.
 - (D) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(d) Denial of accommodation request

A request for accommodation may be denied only when the court determines that:

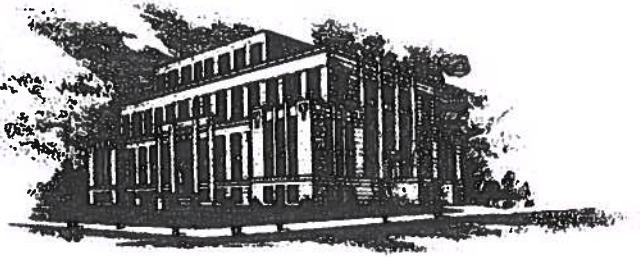
- (1) The applicant has failed to satisfy the requirements of these procedures;
- (2) The requested accommodation would create an undue financial or administrative burden on the court; or
- (3) The requested accommodation would fundamentally alter the nature of the service, program, or activity.

(e) Review procedure

- (1) An applicant or any participant in the proceeding in which an accommodation request has been denied or granted may seek review of a determination made by non-judicial court personnel within 10 days of the date of the response by submitting, in writing, a request for review to the Local Administrative Judge or designated judicial officer.
- (2) An applicant or any participant in the proceeding in which an accommodation request has been denied or granted may seek review of a determination made by a judge or another judicial officer within 10 days of the date of the notice of determination by filing a request for extraordinary relief with the Presiding Judge of the Third Administrative Judicial Region.
- (3) The confidentiality of all information of the applicant concerning the request for accommodations and review under (e)(1) or (2) must be maintained as required under (a)(4).

(f) Duration of accommodations

The accommodation by the Court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified, unless no longer needed. The duration of the accommodation[s] will be determined by the Court, taking in to consideration the factors set forth above.



APPLICANT'S INFORMATION TO BE KEPT CONFIDENTIAL

APPLICANT (name):		FOR COURT USE ONLY
APPLICANT IS: <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input type="checkbox"/> Party <input type="checkbox"/> Other (Specify)		
Person submitting request (name):		
APPLICANT'S ADDRESS		
TELEPHONE NO		
NAME OF COURT		CASE NUMBER
STREET ADDRESS		
MAILING ADDRESS		
CITY AND ZIP CODE		
COURT NUMBER/NAME OF JUDGE:		CASE NUMBER
CASE NAME:		
REQUEST FOR AUXILIARY AIDS AND/OR SERVICES BY PERSONS WITH DISABILITIES and ORDER		

Applicant requests auxiliary aids and/or services under the American with Disabilities Act as follows:

1. Type of proceeding: Family Civil
2. Proceedings to be covered (e.g., preliminary hearing, particular witness at trial, jury trial, trial to the court):
3. Dates auxiliary aids and/or services needed: (specify):
4. Type of auxiliary aids and/or services requested (be specific):
5. Special requests or anticipated problems (specify):
6. I request that my identity: BE kept CONFIDENTIAL NOT be kept CONFIDENTIAL

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

ORDER

- | | |
|---|--|
| <input type="checkbox"/> The request for auxiliary aids and/or services is GRANTED and the Court will provide
<input type="checkbox"/> Requested auxiliary aids and/or services, in whole
<input type="checkbox"/> Request auxiliary aids and/or services, in part (specify below)

<input type="checkbox"/> Alternative auxiliary aids and/or services (Specify below)
<input type="checkbox"/> For the following duration

<input type="checkbox"/> Applicant declined aids and/or services offered | <input type="checkbox"/> The request for auxiliary aids and/or services is DENIED because:
<input type="checkbox"/> The applicant does not satisfy the requirements.
<input type="checkbox"/> It creates an undue burden on the court.

<input type="checkbox"/> It fundamentally alters the nature of the service, program, or activity for the following reason (attach additional pages, if necessary) |
|---|--|

Date:

JUDGE'S SIGNATURE

COVID-19 Operating Plan for the Travis County Juvenile Courts

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the Gardner Betts Juvenile Courthouse building (hereafter Juvenile Courthouse), the Travis County Juvenile Courts will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including but not limited to conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely unless doing so is impossible or impracticable.
3. Courts may require all persons to participate remotely. With the introduction of the remote proceedings capability through Zoom, most essential and non-essential proceedings, except for jury trials, can be conducted remotely, and there are no limitations on these remote proceedings so long as reasonable notice and access is provided to the participants and the public.
4. Court proceedings should occur in person only if the court determines that holding the proceeding remotely is not possible or practicable.
5. Filing and exchange of court documents by all parties shall be done electronically, whenever possible, consistent with court directives.
6. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary and in accordance with conditions in the county.
7. Judges will begin setting in-person proceedings for those cases that cannot be conducted remotely, no sooner than June 29, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judges and court staff will follow all provisions set forth herein and the protocols set forth in the Texas Health and Human Services “Minimum Recommended Health Protocols for all Office-Based Employees and Employers in Texas” attached hereto and incorporated herein by reference. The strictest provisions erring on the side of most caution shall govern if any conflicts exist between the provisions set forth herein and those in the attached protocols.
3. Protective Measures: All judges and court staff shall be provided with effective hand sanitizer, cleaning wipes, face coverings, and other protective equipment as needed.

Scheduling

1. The following court schedules are established to reduce occupancy in the Juvenile Courthouse:
 1. All in-person hearings at the Juvenile Courthouse will take place in Courtroom A only.
 2. No more than one judge shall conduct in-person hearings on any given day. To the extent possible, the 98th District Judge and three Associate Judges assigned to juvenile court will limit their and their staff’s physical presence at the Gardner-Betts facilities to the following schedule:
 - Tuesday: District Judge Rhonda Hurley (Court Clerk II Sr. Joyce Machado)
 - Wednesday: Associate Judge Ami Larson (Court Clerk II Sr. Tina Chandler)
 - Thursday: Associate Judge Texanna Davis (Court Clerk II Sr. Michelle Aguirre)
 - Friday: Associate Judge Bradley Temple (Court Clerk II Sr. Stephanie Murillo)
 3. The above schedule shall be adjusted as necessary to accommodate multi-day proceedings.
 4. Each in-person proceeding shall be given its own time slot in a way that allows sufficient time for thorough cleaning of the courtroom between each proceeding and minimizes the need for persons to have to wait in the lobby before entering the courtroom.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts’ websites and in conspicuous locations around the court building (a copy of the policy entitled, *“Civil Courts Policy and Procedures Manual Ensuring Effective Communications with Individuals with Disabilities,”* is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by completing an application pursuant to those policies, also attached.

Social Distancing

1. All persons who are permitted in the Juvenile Courthouse will be required to maintain adequate social distancing of at least 6 feet from all other persons within and immediately outside the Juvenile Courthouse. A child and up to two parents or legal guardians currently living in the same household with the child may be within six feet of each other only as necessary for communication/supervision and only with required face coverings.
2. Attorneys may be within six feet of their clients as required for effective communication only if all parties are wearing protective face coverings and practice safe sneeze and cough etiquette.
3. No more than one person, other than persons living in the same household, will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.

APPENDIX B – Travis County Juvenile Courts

4. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
5. Public common areas, including breakrooms and snackrooms, have been closed to the public.
6. The courtroom and all public areas have been marked with social distancing markers on the floor.
7. Seats in the courtroom have been blocked to prohibit anyone from sitting or standing within six feet of another person.
8. All persons shall be required to adhere to all social-distancing markers placed on the floor, seating areas, or other areas both inside and immediately outside of the Juvenile Courthouse.

Gallery

9. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and strictly enforced by court staff.
10. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every third seat in every other row and seating is only permitted in open seats that have not been blocked off.

Well

11. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way to allow for social distancing of at least 6 feet between each person. A child who is subject of a court proceeding and his or her assigned attorney may sit or stand within six feet of each other only as necessary for effective communication and only if both parties are wearing appropriate face coverings.

Hygiene

1. Hand sanitizer dispensers containing sanitizer with at least 60% alcohol have been placed at the entrances to the Juvenile Courthouse, outside of elevators on each floor, outside of each courtroom, outside of each restroom, on each counsel table, on the witness stand, and on the judge's bench.
2. Tissues and trash receptacles have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the Juvenile Courthouse and at each entrance to the Juvenile Courthouse and any courtrooms being used.
4. Judges and court staff shall be provided with effective hand sanitizer and cleaning supplies for their offices upon request.
5. Judges and court staff shall avoid using other workers' phones, desks, offices, or other work tools and equipment.
6. Judges and court staff will wash or disinfect hands upon entering an office and after any interaction with employees, contractors, litigants, probation officers, or items in the office.

Screening

1. All individuals seeking to enter the Juvenile Courthouse shall be subject to health screening (upon each entrance sought) before being allowed to enter.
2. Health screenings shall be conducted in a manner that is as private and confidential as possible.
3. When individuals attempt to enter the Juvenile Courthouse, a designated nurse or emergency responder will ask the individuals if they are feeling feverish; have a cough, chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the Juvenile Courthouse.
4. When individuals attempt to enter the Juvenile Courthouse, a designated nurse or emergency responder will use a no-contact infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the Juvenile Courthouse.
5. Inmates being transported from the jail to the Juvenile Courthouse will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the Juvenile Courthouse.
6. Anyone with new or worsening signs or symptoms of COVID 19 as described in number 3 above will not be allowed to enter the Juvenile Courthouse until such person certifies that all requirements set forth in the attachment to this document for return to work have been met.
7. Staff who are screening individuals entering the Juvenile Courthouse will be provided personal protective equipment, including fitted face masks, hand sanitizer, and all other equipment necessary to comply with CDC and local health requirements for temperature checks.

Face Coverings

1. All individuals entering the Juvenile Courthouse shall be required to wear appropriate cloth or other protective face coverings over the nose and mouth at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask shall be provided.
3. Judge and court staff will wear appropriate cloth or other face coverings over the nose and mouth upon entering Juvenile Courthouse facilities and whenever using common areas, including restrooms, break rooms, courtrooms, lobbies, stairs, or when interacting with others who are not in the same household.

Cleaning

1. Juvenile Courthouse cleaning staff will clean and sanitize the common areas of the Juvenile Courthouse multiple times daily as instructed by management and consistent with current health department recommendations.

APPENDIX B – Travis County Juvenile Courts

2. Juvenile Courthouse cleaning staff will check and refill all common area and courtroom hand sanitizer dispensers as needed to ensure they contain sanitizer at all times.
3. Juvenile Courthouse cleaning staff will clean the courtroom between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
4. Juvenile Courthouse cleaning staff will clean all judge and court staff offices thoroughly at least once per day.
5. Juvenile Courthouse cleaning staff shall regularly and frequently clean and disinfect any regularly-touched surfaces, such as doorknobs, tables, chairs and restrooms.
6. Juvenile Courthouse cleaning staff have been provided cleaning supplies shown to be effective against this novel coronavirus.
7. Juvenile Courthouse cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Engineering Controls

1. High-efficiency air filters have been installed throughout the Juvenile Courthouse.
2. Ventilation rates shall be increased to ensure clean air circulation and exhaust elimination throughout the Juvenile Courthouse.
3. Clear physical barriers have been installed in Courtroom A as required to protect the judge and court staff from others' aerosolized sneeze or cough droplets.

Other

One or more employees shall be designated to be responsible for ensuring that the above health protocols are being successfully implemented and followed and reporting any violations as instructed.

I have attempted to confer with all judges of courts with courtrooms in the court Juvenile Courthouse regarding this Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court Juvenile Courthouse covered by this Operating Plan conduct proceedings consistent with the plan.



CHECKLIST FOR OFFICE-BASED EMPLOYERS

Page 1 of 3

Effective May 18, 2020, employers may operate their offices with up to the greater of 5 individuals or 25% of the total office workforce, provided the individuals maintain appropriate social distancing.

The following are the minimum recommended health protocols for all office work employers choosing to operate in Texas. Office work employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees, contractors, and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Office work employers should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Employers should also be mindful of federal and state employment and disability laws, workplace safety standards, and accessibility standards to address the needs of both workers and customers.

Health protocols for your employees and contractors:

- Train all employees and contractors on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees and contractors before coming into the office:
 - Send home any employee or contractor who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19



OFFICE-BASED EMPLOYERS: Page 2 of 3

- Do not allow employees with new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee or contractor who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has *improvement* in symptoms (e.g., cough, shortness of breath); and at least 10 days have passed *since symptoms first appeared*; or
 - In the case of an employee or contractor who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee or contractor has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee or contractor with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees and contractors wash or sanitize their hands upon entering the office.
- Have employees and contractors maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consider implementing a staggered workforce, such as alternating days or weeks for different groups of employees and/or contractors coming into the workplace.
- Continue to encourage individuals to work remotely if possible.
- If an employer provides a meal for employees and/or contractors, the employer is recommended to have the meal individually packed for each individual.
- Consistent with the actions taken by many employers across the state, consider having all employees and contractors wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.



OFFICE-BASED EMPLOYERS: Page 3 of 3

- Limit the use of standard-size elevators to four individuals at a time, each located at a different corner of the elevator to avoid close contact. Masks should be worn in elevators. Utilize touchpoint cleaning and nanoseptic button covers if appropriate. For individuals not wishing to ride an elevator, ensure stairways are available for use. As appropriate, individuals subject to the Americans with Disabilities Act may ride the elevator alone or accompanied by the individual's caregiver.**
- Disinfect any items that come into contact with customers.**
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees, contractors, and customers.**
- Place readily visible signage at the office to remind everyone of best hygiene practices.**
- For offices with more than 10 employees and/or contractors present at one time, consider having an individual wholly or partially dedicated to ensuring the health protocols adopted by the office are being successfully implemented and followed.**

TRAVIS COUNTY CIVIL COURTS

Policy and Procedures Manual For Ensuring Effective Communications with Individuals with Disabilities

The Americans with Disabilities Act (ADA), a federal civil rights statute, requires all state and local governmental entities, including the courts, to accommodate the needs of persons with disabilities who have an interest in court activities, programs, and services. In accordance with this statute, the Travis County Civil Courts adopted the following policy and procedures for ensuring effective communications with individuals with disabilities.

I. Policy

It is the policy of the Civil Courts to ensure that communications with individuals with disabilities in our programs, services, and activities are as effective as communications with individuals without disabilities, consistent with the requirements of Title II of the Americans with Disabilities Act (ADA)¹. To meet this obligation, the Civil Courts will provide, free of any additional charge, appropriate auxiliary aids and services, whenever necessary, to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.² This policy applies to all members of the public who seek to participate in the Court's programs, services, and activities, including parties to legal proceedings and their companions, witnesses, jurors, and spectators.

(a) What Are Appropriate Auxiliary Aids and Services?

Appropriate auxiliary aids and services include a wide variety of equipment, materials, and personal services that may be necessary to ensure effective communication for people with disabilities.³

- (1) For people who are blind or have low vision, appropriate auxiliary aids and services include, but are not limited to, qualified readers; printed information provided in Braille, in large print, in electronic format, or through audio recordings; oral descriptions of action and visual information to ensure the accessibility of proceedings and presentations; note takers; assistance in filling out forms or accessing materials in a**

¹ 42 U.S.C. §§ 12131 - 12134, and regulations implementing Title II, 28 C.F.R. pt. 35 (and for government entities receiving federal funding, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the implementing regulation, 28 C.F.R. Part 42, Subpart G)

² 28 C.F.R. §§ 35.130(f), 35.160(b)(1)

³ 28 C.F.R. §§ 35.104, 35.160.

computer database; screen reader software or text magnification software to make computer displays accessible; or an assistant to guide a person to find his or her way to an unfamiliar location or along an unfamiliar route.

- (2) **For people who are deaf, are hard of hearing, or have speech impairments**, appropriate auxiliary aids include, but are not limited to, qualified oral/sign language interpreters, written notes, note takers, computer-assisted real-time transcription services, video text displays, amplified and hearing aid compatible telephones, assistive listening systems, open or closed captioning and caption decoders, teletypewriters (TTYs), computer terminals equipped for video communication, and other effective methods of making information or materials delivered using sound available to individuals who are deaf or hard of hearing.

(b) What does the term “qualified interpreter” mean?

The term "qualified interpreter" includes "sign language interpreters," "oral interpreters," or other "interpreters" who are able to interpret competently, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual's language skills and education. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter." Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter.⁴ An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be "qualified."

(c) Can the Court ask or require family members or friends of individuals who are deaf, are hard of hearing, or have speech impairments to interpret for them?

No. The Court may not ask or require friends or family members to interpret for individuals who are deaf, are hard of hearing, or have speech impairments because a family member or friend may not be qualified to render the necessary interpretation due to factors such as professional or personal involvement.

⁴ 28 C.F.R. § 35.104

(d) Can the Court charge an individual with a disability for the cost of providing an auxiliary aid or service needed for effective communication?

No. People with disabilities must not be asked to pay for, or be charged for the cost of an auxiliary aid or service needed for effective communication.⁵ For example, the Court may generally charge its standard per page fee for providing a person with a disability a copy of a document. However, the fee charged for a copy of a document provided in Braille or large print format may not exceed the charge ordinarily imposed for a standard print copy of the same document. Likewise, individuals with disabilities may not be charged the costs of converting a print document to a different format or for the additional pages that will likely result from that format change.

(e) Are there specific procedures for requesting auxiliary aids and services?

Whenever possible, requests for auxiliary aids and services should be directed to Peg Liedtke, the Court's ADA Coordinator, Room 327, District Judges' Office, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas, 512/854-9300, peg.liedtke@co.travis.tx.us. Requests can be made by an individual with a disability who need the auxiliary aids or services, or by someone acting on that individual's behalf. When the Court's ADA Coordinator is not available to receive a request, the request should be directed to her designee, Lorraine Elzia in Room 327, District Judges' Office, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas, 512/854-9300, lorraine.elzia@co.travis.tx.us. Requests can be made either in writing or orally. Requests should be made in advance, whenever possible, in order to better enable the Court to address the communication needs of the individual. However, it is the policy of the Court for all requests for auxiliary aids and services submitted to Court personnel to be addressed promptly and in accordance with ADA requirements.

(f) How will the Court determine which auxiliary aids and services to provide?

In determining which types of auxiliary aids and services to provide, the Court will give "primary consideration" to the request of the individual with a disability. "Primary consideration" means that the Court will defer to the individual's request unless the Court determines that it has an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with the disability for whom auxiliary aids and services have been requested.⁶

⁵ 28 C.F.R. § 35.130(f)

⁶ 28 C.F.R. § 35.160(b)(2)

(g) How will the Court handle requests for auxiliary aids and services?

Court personnel will confer with the individual with the disability upon notification that any auxiliary aids and services may be required to ascertain the circumstances, requirements, and preferences of the individual. The Court will respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities. Documentation of disability will generally not be requested or required. All non-routine requests will be promptly referred to the Civil Courts ADA Coordinator (or her designee) for review, consideration and response.

Court personnel will maintain records of requests for auxiliary aids and services except for simple requests that can be immediately granted (*e.g.*, guiding a blind person to the correct courtroom, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing). Court personnel will ensure the confidentiality of this information and will keep it in a secure location separate from other records (such as court case files) relating to the individual with a disability.

The Court will not disclose information about an individual's disability or requests for auxiliary aids and services except to court personnel who have a need to know this information (*e.g.*, to make a decision on a request and/or to provide the auxiliary aids and services). Information about an individual's disability and requests for auxiliary aids and services will not be disclosed to individuals who have no legitimate need to know this information, including court personnel and participants in court proceedings.

(h) What records will the court keep regarding auxiliary aids and services?

Except for simple requests that are immediately granted, the ADA Coordinator will maintain records of requests for auxiliary aids and services and actions taken to address them.⁷ If the requested auxiliary aids and services are not being provided, records must include a description of any auxiliary aids and services that were provided /offered, the date they were provided/offered, the date of and reasons for denying the requested auxiliary aids and services, and the name of the Judge or the ADA Coordinator. When a request is denied because the provision of the requested auxiliary aids and services would result in a fundamental alteration or undue financial and administrative burdens, additional requirements must be met.

⁷ These records will include the date on which the request was made, the name of the individual making the request, the name of the individual for whom the auxiliary aids and services are sought, the auxiliary aids and services requested, the date on which a response to the request was provided, a description of the auxiliary aids and services provided, and the date on which the auxiliary aids and services were provided.

(i) What should Court personnel do if they believe that provision of requested auxiliary aids and services will result in a fundamental alteration or impose undue financial and administrative burdens on the Court?

The Court is not required to provide a requested auxiliary aid or service if the Court can demonstrate that providing it would result in a fundamental alteration to the nature of the Court's programs, services, and activities or impose undue financial and administrative burdens. However, in circumstances where the Court has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, the Court shall take any other actions that would not result in a fundamental alteration or undue financial and administrative burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.

All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by a Judge or his/her designee after considering all resources available to the Court for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion.⁸

Any questions about this policy should be directed to Peg Liedtke, the Civil Court's ADA Coordinator, Room 327, Heman Marion Sweatt Courthouse, 1000 Guadalupe Street, Austin, Texas 781701, 512/854-9300, peg.liedtke@co.travis.tx.us.

II. Procedures

(a) Requesting appropriate auxiliary aids and services

- (1) Requests for auxiliary aids and services may be presented by an individual or his/her representative on a form approved by the Travis County Civil Courts, in another written format, or orally or video/telephone relay. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (a)(3).
- (2) Requests for auxiliary aids and services should include:
 - Name and contact information of the requesting party, and name and contact information of the individual with a disability, if different;
 - Type of auxiliary aids and/or services needed for effective communication;
 - Name of the court and the proceeding, if applicable; and
 - Date and duration of the requested auxiliary aids and/or services.

⁸ 28 C.F.R. § 35.164

The court, in its discretion, may require the applicant to provide additional information about the impairment to facilitate consideration of the request.

- (3) Requests for appropriate auxiliary aids and services must be made as far in advance as possible. The court may, in its discretion, waive this requirement. Advance notice is generally needed to provide qualified sign language interpreter services and documents in Braille formats. Providing documents in electronic format generally can be accomplished within the same time frames as requests for print documents. However, all requests for auxiliary aids and/or services will be addressed promptly in accordance with ADA requirements.
- (4) The Court will keep confidential all information of the applicant concerning the request for auxiliary aids and/or services, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for auxiliary aids and/or services.

(b) Records

Court personnel will maintain records of requests for auxiliary aids and services except for simple requests that can be immediately granted (*e.g.*, guiding a blind person to the correct courtroom, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing).

Court personnel will ensure the confidentiality of this information and will keep it in a secure location separate from other records (such as court case files) relating to the individual with a disability.

The Court will not disclose information about an individual's disability or requests for auxiliary aids and services except to court personnel who have a need to know this information (*e.g.*, to make a decision on a request and/or to provide the auxiliary aids and services). Information about an individual's disability and requests for auxiliary aids and services will not be disclosed to individuals who have no legitimate need to know this information, including court personnel and participants in court proceedings.

(c) Permitted communication

Communications under this procedure must address only the auxiliary aids and/or services requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(d) Considering request for appropriate auxiliary aids and/or services

- (1) When a request for auxiliary aids and/or services is received, court personnel will confer with the individual with a disability to ascertain the circumstances, requirements and preferences of the individual.
- (2) In determining which types of auxiliary aids and services to provide, the Court will give "primary consideration" to the request of the individual with a disability. "Primary consideration" means that the Court will defer to the individual's request unless the Court determines that it has an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person with the disability for whom auxiliary aids and services have been requested.
- (3) The Court will respond promptly to requests for auxiliary aids and/or services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the Court's programs, services and activities.
- (4) Documentation of disability will generally not be requested or required.

(e) Response to Auxiliary Aids and/or Services request

The court must promptly respond to a request for auxiliary aids and/or services as follows:

- (1) The Court will consider, but is not limited by, the provisions of the Americans With Disabilities Act of 1990, and other applicable state and federal laws in determining whether to provide an auxiliary aid and/or service or an appropriate alternative auxiliary aid and/or service.
- (2) The Court will inform the applicant in writing, as may be appropriate, and if applicable, in an alternative format, of the following:
 - (A) That the request for auxiliary aids and/or services is granted or denied, in whole or in part, and if the request for auxiliary aids and/or services is denied, the reason therefore; or that an alternative auxiliary aid and/or service is granted;
 - (B) The nature of the auxiliary aids and/or services to be provided, if any; and
 - (C) The duration of the auxiliary aids and/or services to be provided.
 - (D) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(f) Denial of Auxiliary Aids and/or Services request

A request for auxiliary aids and/or services may be denied only when the Court determines that:

- (1) The requested auxiliary aids and/or services would create an undue financial or administrative burden on the Court; or
- (2) The requested auxiliary aids and/or services would fundamentally alter the nature of the service, program, or activity.

The Court is not required to provide a requested auxiliary aid or service if the Court can demonstrate that providing it would result in a fundamental alteration to the nature of the Court's programs, services, and activities or impose undue financial and administrative burdens. However, in circumstances where the Court has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burdens, the Court shall take any other actions that would not result in a fundamental alteration or undue financial and administrative burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in, and benefit from, the Court's programs, services, and activities.

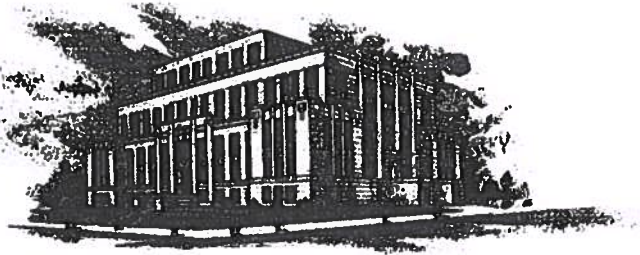
All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens must be made by a Judge or his/her designee after considering all resources available to the Court for use in the funding and operation of our services, programs, and activities and must be accompanied by a written statement of the reasons for reaching that conclusion

(g) Review procedure

- (1) An applicant or any participant in the proceeding in which an auxiliary aids and/or services request has been denied or granted may seek review of a determination made by non-judicial court personnel within 10 days of the date of the response by submitting, in writing, a request for review to the Local Administrative Judge or designated judicial officer.
- (2) An applicant or any participant in the proceeding in which an auxiliary aids and/or services request has been denied or granted may seek review of a determination made by a judge or another judicial officer within 10 days of the date of the notice of determination by filing a request for extraordinary relief with the Presiding Judge of the Third Administrative Judicial Region.
- (3) The confidentiality of all information of the applicant concerning the request for auxiliary aids and services and review under (e)(1) or (2) must be maintained as required under (a)(4).

(h) Duration of auxiliary aids and services

The auxiliary aids and/or services must be provided for the duration indicated in the response to the request for auxiliary aids and/or services and must remain in effect for the period specified, unless no longer needed. The duration of provision of the auxiliary aids and/or services[s] will be determined by the Court, taking in to consideration the factors set forth above.



APPLICANT'S INFORMATION TO BE KEPT CONFIDENTIAL

APPLICANT (name):	FOR COURT USE ONLY
APPLICANT IS: <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input type="checkbox"/> Party <input type="checkbox"/> Other (Specify) Person submitting request (name): APPLICANT'S ADDRESS: TELEPHONE NO:	
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	
COURT NUMBER/NAME OF JUDGE: CASE NAME:	
REQUEST FOR AUXILIARY AIDS AND/OR SERVICES BY PERSONS WITH DISABILITIES and ORDER	
	CASE NUMBER:

Applicant requests auxiliary aids and/or services under the American with Disabilities Act as follows:

1. Type of proceeding: Family Civil Juvenile
2. Proceedings to be covered (e.g., preliminary hearing, particular witness at trial, jury trial, trial to the court):
3. Dates auxiliary aids and/or services needed: (specify):
4. Type of auxiliary aids and/or services requested (be specific):
5. Special requests or anticipated problems (specify):
6. I request that my identity: BE kept CONFIDENTIAL NOT be kept CONFIDENTIAL

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.
 Date:

.....
 (TYPE OR PRINT NAME)

 (SIGNATURE OF APPLICANT)

ORDER

- | | |
|---|--|
| <input type="checkbox"/> The request for auxiliary aids and/or services is GRANTED and the Court will provide
<input type="checkbox"/> Requested auxiliary aids and/or services, in whole
<input type="checkbox"/> Request auxiliary aids and/or services, in part (specify below)

<input type="checkbox"/> Alternative auxiliary aids and/or services (Specify below)
<input type="checkbox"/> For the following duration

<input type="checkbox"/> Applicant declined aids and/or services offered | <input type="checkbox"/> The request for auxiliary aids and/or services is DENIED because
<input type="checkbox"/> The applicant does not satisfy the requirements
<input type="checkbox"/> It creates an undue burden on the court.

<input type="checkbox"/> It fundamentally alters the nature of the service, program, or activity for the following reason (attach additional pages, if necessary) |
|---|--|

Date:

 JUDGE'S SIGNATURE

COVID-19 Operating Plan for the Justices of the Peace, Travis County Judiciary

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts of the Travis County Justices of the Peace will implement the following protective measures:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in the county
4. Judges will begin setting non-essential in-person proceedings no sooner than June 2, 2020

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Daily Self Health Assessments: Employees must conduct a daily self-health assessment to determine their ability to report to work. Exposure: If an employee has been within six feet of a person with a lab-confirmed or suspected case of COVID-19 in the past 14 days, the employee must self-quarantine for 14 days. Symptomatic: At any time if COVID-19 symptoms present themselves, the employee will be sent home and a medical certification will be required before the employee is allowed to return.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: Upon reporting to work, temperature checks are conducted by law enforcement. The court will limit its capacity for courtroom and lobby gatherings. Virtual hearings are required/highly encouraged thereby limiting the amount of foot traffic. Social distancing markers will be located in common public areas and seating areas clearly marked. Hand sanitizer is readily available for the court's visitors and staff. Common access areas to be

sanitized frequently. Protective signage will be posted inside all common areas. Temporary or permanent barriers between staff and visitors will be located at service counter areas and courtroom benches.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
A staggered schedule to integrate the court staff back into the building will be implemented by each JP office. Teleworking will continue to be encouraged and accommodated as much as possible. Dockets will be scheduled so that there are a limited number of parties who appear and cases that are set; dockets will not overlap. Virtual hearings will continue to be scheduled and are highly encouraged.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Vulnerable populations who are scheduled for court will be accommodated by the option of a virtual hearing. If there are any complications in accessing the court virtually, the Travis County Law Library has offered to provide assistance in accommodating those individuals.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.
5. Place markers will be placed in the Justice Court waiting areas so members of the public will know where to stand in order to keep 6 ft apart from others.
6. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
7. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row.
8. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When individuals attempt to enter the court building, Travis County Courthouse Security or Constable's Offices will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, Travis County Courthouse Security or Constable's Offices will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 99.6°F will be refused admittance to the court building.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. Staff who are screening individuals entering the court building will be provided personal protective equipment.

Face Coverings

1. All individuals entering the court building will be required to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.
3. Individuals who will be required to be in the court building for over 1 hour will be provided surgical masks and required to wear them while in the court building if the supply is available.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.

4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

Not Applicable

I have conferred with all the Justices of the Peace in Travis County regarding this Operating Plan for the Justice Courts in Travis County. This operating plan was submitted to the local health authority and county judge in conjunction with the other operating plans from the Travis County judiciary. I will ensure that the Justices of the Peace in Travis County conduct proceedings consistent with this operating plan.

Date: 5/13/2020



A handwritten signature in black ink, appearing to read "N. Chu", is written over a horizontal line.

Judge Nicholas Chu

Justice of the Peace, Pct. 5

On behalf of the Justices of the Peace in
Travis County, Texas

Title IV-D Court Modifications to the COVID-19 Operating Plan for the Travis County Judiciary

General

1. The Title IV-D Associate Judge will begin setting non-essential in-person proceedings no sooner than August 3, 2020.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building: The Title IV-D Court intends to have schedule staggered morning and afternoon dockets for essential in-person hearings. The dockets will be limited to 6 cases per 1.5 hours. Additionally, the Court will utilize teleconferencing and remote proceedings for all appearances as much as possible.

Vulnerable Populations

1. Vulnerable populations who are scheduled for the court will be accommodated by allowing the person to appear remotely after making an oral or written request to the Office of the Attorney or the Title IV-D Court.

Social Distancing

1. Public common areas, including the breakrooms and snack rooms used by the Office of the Attorney General, have been closed to the public and the Office of the Attorney General.
2. The maximum number of persons permitted in the negotiation conference room used by the Office of the Attorney General has been determined and posted.
3. The maximum number of persons permitted in the workroom used by the Office of the Attorney General has been determined and posted.
4. The Test Room used by the DNA testing vendor of the Office of the Attorney General will remain closed to the public and the Office of the Attorney General staff. Parties ordered to submit DNA samples will be redirected to a laboratory.

Face Coverings

1. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, the individual will not be allowed to enter the building and will be allowed to discuss case information and participate in the hearing remotely.
2. Individuals who will be required to be in the court building for over 1 hour will be required to wear surgical masks and to wear them while in the court building, but if the individual does not have a surgical mask, the individual will be allowed to discuss case information and participate in the hearing remotely.