

JUSTICE COURT OF PRECINCT TWO OF FORT BEND COUNTY
REPORT TO THE REGIONAL PRESIDING JUDGE
TO ASSURE THE HEALTH AND SAFETY OF STAFF AND COURT PARTICIPANTS AFTER JUNE 1, 2020
DURING THE COVID-19 PANDEMIC CRISIS

Please note, this report and all related photographs and documents will be posted to Judge Joel C. Clouser, Sr.'s official Fort Bend County website, effective June 24, 2020.

REMOTE PROCEEDINGS: Based on experience, and the demographics of this County Precinct, this Court finds that remote hearings are not feasible. Many of the defendants may not have access to a computer or the internet, use internet and computers at the public libraries or senior citizen's centers or community centers. These facilities or now closed because of COVID-19. Attempting to confirm which of these litigants has or has not access to remote participation capability would only prolong and confuse the scheduling of cases and trials.

Therefore, this Court will hold "in-person" proceedings, but will also hold virtual/ZOOM trials/hearings when requested in writing, 72-hours in advance of a scheduled "in-person" trial/hearing, by litigants or participants (witnesses or attorneys). Also, if a **litigant or participant** informs the Court that he/she has tested positive for COVID-19, or has and is recovering from COVID-19, their trial or hearing will be **reset and heard REMOTELY** on the next docket. Please note, in an Eviction case, "time is of the essence" and will be reset and remotely heard within 5-days.

All Civil Citations, RE-SET Notices, Criminal Summons, etc. will include **BOLD ALL-CAPS** wording (see attached EXHIBITS II & III), as follows:

"YOU HAVE THE RIGHT TO REQUEST A VIRTUAL OR REMOTE HEARING. THIS REQUEST MUST BE SUBMITTED TO THIS COURT IN WRITING WITHIN 72-HOURS BEFORE YOUR SCHEDULED TRIAL/HEARING DATE BY FAX AT (832) 471-1811 OR IN PERSON"

A **FLYER** containing the above bold all-caps wording will also be posted at each entrance of the Courthouse Annex Building, on the Court's entry door and on each bulletin board in the building (see attached EXHIBIT I).

The Court is located in the East End Annex at 303 Texas Pkwy, Missouri City, TX. The building hallway is the public common area, which has been marked to ensure social distancing. The Department of State Health Service's "Stop the Spread of Germs" flyer will be posted in multiple locations in the building. The Court's waiting area has also been marked to ensure social distancing. Maximum courtroom capacity will be limited to 30-people and seating has also been marked to ensure social distancing. Please see the attached photographs)

The Court building cleaning staff will clean the common areas of the East End Annex Building so that common spaces are cleaned at least every evening. County facilities will provide the building cleaning staff cleaning supplies shown to be effective against COVID-19. Restrooms will be regularly monitored for the availability of soap and paper towels.

This Court will follow and practice safety conditions that protect staff and all participants, as follows:

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 by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Individuals, court staff or litigants and court participants, who are identified as vulnerable will be required to follow special procedures, as later described below.

COURT STAFF

1. The judge and each staff member will be required to be tested for Covid-19 at one of the conveniently located testing stations, or by the Fort Bend County Health Department, at least once every 30-days.
2. The judge and each staff member will be required to submit to a body temperature check before reporting to their workstations each morning. If the judge or any staff member has a temperature reading of 100 degrees or more, they will be sent home on official sick leave for further Covid-19 isolation and evaluation. The judge and each staff member must also submit to a symptom screening for cough, sore throat, loss of taste/smell, diarrhea, shortness of breath, chills, muscle pain, headache, or having known close contact with a person who is confirmed to have COVID-19, etc. If a staff member shows symptoms, they will be sent home on sick leave and not be allowed to return to work without a medical provider's documentation (which could include documentation of a negative COVID-19 test).
3. The judge and each staff member will be required to wear PPE mask or face shields and gloves at all times, while performing their assigned duties during the workday. PPE's can be removed at break time and lunchtime in the break room. Sanitizer containing 99% alcohol and Aloe is provided and accessible for the judge and all staff member, located at a central location in the staff work area.
4. The judge and each staff member will be instructed to wash their hands and use sanitizer on their hands and gloves on a regular basis throughout the work day. This will be especially required when currency and coins are handled at the lobby window, when they use the restroom, or at any time they leave their individual work stations.
5. Each work station will be separated from other work stations and other staff members by 5-ft. tall plexi-glass shields. Each staff work station will be sanitized (computer keyboards, desk, chairs, etc.) by the Court Coordinator each morning before the staff members report to work. The judge's work area will also be sanitized in a like manner.
6. Any staff member determined to be in the Vulnerable Population category, will be more closely monitored by the Court's supervisory staff for the above mentioned symptoms. If they show any symptoms they will be sent home on sick leave and not be allowed to return to work without a medical provider's documentation.

LITIGANTS

1. Each litigant and participant (witnesses, attorneys, etc.) arriving for trial or hearing proceedings must **submit to screening** before entering the East End Annex Building where the Court is located at 303 Texas Pkwy, Missouri City, TX. **Screening will consist of a body temperature check and symptom screening for cough, sore throat, loss of taste/smell, diarrhea, shortness of breath, chills, muscle pain, headache, or having known close contact with a person who is confirmed to have COVID-19, etc.** This screening will be administered by an employee of the Fort Bend County Health Department or Office of Emergency Management.
2. Each litigant and participant arriving for trial or hearing proceedings **will be required to wear a PPE face mask or face shield at all times** while in the East End Annex Building and in the Court waiting area and courtroom. Each will also be required to sanitize their hands upon entering the Court waiting area. Sanitizer will be provided by the Court, and will be accessible in a convenient location. **If litigants or participants do not have a PPE face mask, the Court will provide them with a face mask. The Court will also provide tissue or paper towels, accessible in a convenient location.**
3. All litigants not from the same household **will be required to maintain adequate social distancing**, described as such: Physical seating for all litigants and witnesses has been prearranged in the East End Annex hallway and the Court's waiting room by seating location markers and yellow caution tape across prohibited seating locations to block-out and prevent participants from sitting within 6-ft. of each other.
4. Standing distances for all participants in waiting lines are indicated by markers located on the floor of the hallway and the Court waiting room.
5. No more than 20 litigants and witnesses will be allowed in the courtroom for hearings and trials at any time.
6. **Seating in the courtroom for participants has been pre-marked by location markers and yellow caution tape** across prohibited seating locations to block-out and prevent participants from sitting within 6-ft. of each other.
7. Any litigant or court participant determined to be in the **Vulnerable Population** category, will be subject to a different procedure, as such: Their cases will be given first priority on the docket, and they will be placed in the courtroom first, without any of the other trial case litigants being allowed to enter until the vulnerable litigant(s) cases have been concluded and they have been excused.

JURY TRIALS

1. All jury trials will be suspended until after September 1, 2020, or until further notice.
2. Jury trials will be scheduled on every other Wednesday, with no more than two (2) trials scheduled.
3. Prospective Jurors will be limited to 50 people, with the expectation that only 75%, or no more than 38 people, will report for jury duty. All previously described safety procedures will be observed.

COURT PROCEEDINGS – All of the previously described safety measures will be observed.

1. **EVICCTIONS** – This does not apply to any residential property that is subject to the CARES Act, and the Plaintiff must sign an affidavit attesting to the Court that the residential property is not subject to the CARES Act.
 - a. **EVICTION TRIAL DOCKET** for non-CARES Act properties will begin on July 7, 2020, with 10-cases scheduled for 8:00 a.m. and 10-cases scheduled for 1:00 p.m. This docket schedule will be adhered to every Tuesday and Thursday. These trials will be held in the courtroom unless one of the litigants requires and requests a virtual/ZOOM trial, in writing, 72-hours before the scheduled trial. If a litigant notifies the Court that they have contracted or tested positive for COVID-19, their trial will be reset for a virtual/ZOOM trial with 5-days.
 - b. **Citations:**
 - i. This Court will accept new Eviction case filings, beginning on Tuesday, May 19, 2020 and no Eviction trials, except for “Imminent Threat or Danger” Evictions, will be heard before June 1, 2020.
 - ii. Citations that were filed and served prior to the March 19, 2020 Texas Supreme Court Order No. 20-9045, will be re-served after May 18, 2020, indicating a new scheduled court date to take place after June 1, 2020. There will be no new service fee charged, and these cases will be given first priority on the court schedule with the 10-21-day trial requirement suspended.
 - iii. Citation that were filed, but not served prior will be served after May 18, 2020. These cases will be given second priority on the court’s schedule with the 10-21-day trial requirement suspended.
 - c. **Writs of Possession** will be posted and executed beginning on May 26, 2020:
 - i. Writs of Possession that were filed and posted prior to the March 19, 2020 Texas Supreme Court Order No. 20-9045, and put “on hold,” will be re-posted and executed in accordance with the Precinct Two Constable’s Office schedule. There will be no additional fee charged.
 - ii. Writs of Possession that were filed but not posted prior to the March 19, 2020 Texas Supreme Court Order No. 20-9045, and put “on hold,” will be posted and executed in accordance with the Precinct Two Constable’s Office schedule.
 - iii. The CARES Act does not apply if the Eviction trial was held by the Court prior to March 19, 2020, and the ruling was in favor of the Plaintiff for POSSESSION. Therefore, the Writ Of Possession shall execute, regardless of whether or not the residential property is subject to the CARES Act.
2. **CONSUMER DEBT CLAIMS** – An obligation, or an alleged obligation, primarily for personal, family, or household purposes and arising from a transaction or alleged transaction. This includes Debt Claims and Small Claims cases. These cases will resume after June 1, 2020.
 - a. **Writs of Garnishment** – service will resume on May 26, 2020.
 - b. **Receivers** – Receivership proceeding will resume on May 18, 2020.
 - c. Judgement debtors or receivers can request a hearing which must be held within two business days of the request, to determine which funds are attributable to a coronavirus stimulus payment. Stimulus payments may be protected under the CARES Act and may be released or refunded after a hearing.

3. **CRIMINAL CASES**

- a. Criminal trials will resume after August 1, 2020.
- b. Pre-trial Conferences will resume after July 1, 2020.
- c. Arrest Warrants will issue and/or execute after June 1, 2020.
- d. Show Cause and Indigent Hearings will resume after August 1, 2020

4. **TRUANCY CASES** – All proceedings will resume after September 1, 2020.

Signed on this the 24th_ day of _June_____, 2020



Joel C. Clouser, Sr., Justice of the Peace
Fort Bend County, Precinct Two
832.471.1820 eFax

Approved:

J. Johnson-Minter, MD
Dr. Jacqueline Minter, Director
Fort Bend County Health Department

Date: June 24, 2020

EXHIBIT I

NOTICE

**BY ORDER OF THE JUSTICE COURT FORT BEND COUNTY
PRECINCT 2**

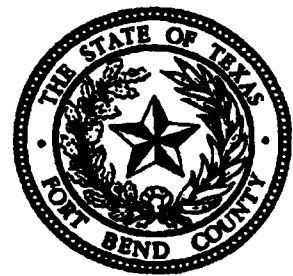
**YOU MUST WEAR A FACE MASK OR FACE
COVERING AND HAVE YOUR
TEMPERATURE TAKEN BEFORE
ENTERING THE COURT.**

**YOU HAVE THE RIGHT TO
REQUEST A VIRTUAL OR REMOTE
HEARING.**

**YOUR REQUEST FOR A VIRTUAL
HEARING MUST BE SUBMITTED IN
WRITING WITHIN 72 HOURS
BEFORE YOUR TRIAL/HEARING
DATE BY FAX 832-471-1811 OR IN
PERSON.**

PER JUDGE CLOUSER.

DATE: 06/24/2020





Eleventh Administrative Judicial Region of Texas

Susan Brown

Presiding Judge

Rebecca Brite, Executive Assistant

June 25, 2020

Dear Judge Clouser,

I have completed a review of your Operating Plan for Fort Bend Justice of the Peace Precinct 2 and find that it meets all of the conditions required by the Office of Court Administration to begin holding in person non-essential hearings beginning June 1, 2020. I would remind you and the other judges in your jurisdiction that per the Supreme Court, Court of Criminal Appeals and OCA guidelines, which are in effect from June 1, 2020 until updated, that all proceedings should continue to be held remotely unless it is not possible or practicable.

Should you need further assistance as you move toward re-opening your courtrooms please do not hesitate to contact me.

Thank you for all that you do for the citizens of our great state.

A handwritten signature in black ink that reads "S. Brown".

Susan Brown