New Mexico Judicial Branch

Photo by Justice C. Shannon Bacon

Coronavirus (COVID-19): Frequently Asked Questions and Resources for Judges, CEOs, and Employees

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This document will be updated as new information becomes available

Photo by Justice Judith K. Nakamura

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FREQUENTLY ASKED QUESTIONS AND RESOURCES

The New Mexico Judicial Branch is committed to the health and safety of New Mexicans during the COVID-19 pandemic.
These FAQs are intended to provide guidance and direction in conjunction with the NMJB Supreme Court Orders and Protocols. These FAQs apply to all employees and judicial officers and are subject to change as scientific information and understandingof the COVID-19 increases.

Checklists

Coronavirus (COVID-19) Potential or Confirmed Case - Initial Report Checklist

Initial Report Checklist is due to the Supreme Court's ERT within **24-hours** of first notification to the judicial entity. A positive test must be reported to the Supreme Court's ERT within **two (2) hours** of management being notified, and the Court Executive Officer or designee is responsible for reporting the positive case to the NMED OSHA Bureau within four (4) hours of learning of the positive case. Please forward the email response confirming receipt of the report to the AOC HRD.

Municipal and probate courts who have positive COVID-19 cases must work through their local or county channels to report to NMED but also notify ERT within the required timeframe.

Court Visitor Checklist

Children's Court

Supreme Court Order No. 20-8500-041

Effective December 31, 2020, New Mexico Supreme Court Orders Nos. 20-8500-009, 20-8500-014, and 20-88500-018 are withdrawn. All individual district court visitation orders in place on December 31, 2020, shall remain in place unless amended or withdrawn by further order of the district court.

Custody orders entered on or after November 30, 2020, shall be addressed in accordance with the Abuse and Neglect Act, NMSA 1978, §§ 32A-4-1 through -35. In determining all visitation orders during the public health emergency, the district court shall enter orders on visitation in accordance with the best interests of the child, taking into account public health risks, including the specific circumstances surrounding the health and residence of both the child and the respondent.

Supreme Court Order 20-8500-004

Case management protocols for Children's Court Cases are included in Supreme Court Order 20-8500-004. The Order gives district courts the authority to implement case management protocols consistent with those used by the Second Judicial District's Children Court Division.

1. **Can children have contact with their parent or guardian during a judicial proceeding?**

- Yes, guardians may sit next to or be within six-feet of minor children or family members.

Cleaning Protocols

All courthouses and other judicial buildings operated by the New Mexico Judiciary must be maintained in accordance with the guidelines issued by the New Mexico Department of Health for the cleaning and disinfection of public facilities during the current public health emergency.

In addition to wearing a face covering, and ensuring a minimum physical distance of six (6) feet from one another, all employees, judicial officers, contractors, vendors, and volunteers must:

- Frequently and daily disinfect their **face coverings**
- Frequently wash their hands for at least 20 seconds with soap and water, or use hand sanitizer,
- Avoid touching your eyes, nose, and mouth with unwashed hands,
- Cover your coughs and sneezes,
- Stay home if you are sick and avoid contact with other people who are sick,
- Practice social and physical distancing by putting a minimum of six (6) feet of distance between yourself and other people, unless provided for in an exception in the Protocols or these FAQs,
- Clean and sanitize workspaces and frequently touched surfaces, and
- While staff should limit the contact of using the same items, frequently sanitizing items located in high traffic areas, or that are used by multiple staff.
- Each workspace and all public areas should be thoroughly disinfected at least once per day.

Coronavirus (COVID-19) Potential or Confirmed Case - Initial Report Checklist

Contractors

Symptoms: Vaccinated and unvaccinated contractors must notify the chief judge, administrative authority or designee immediately and **PRIOR to entering the court, facility or judicial property** if they are experiencing a shortness of breath, difficulty breathing, a dry cough, a temperature at or above 100.4, chills, sore throat, body aches, headaches, congestion or runny nose, nausea or vomiting, diarrhea, or have lost their sense of taste or smell, or if they have concerns that they may have been exposed to the virus.

Symptoms of Household Member or Visitor: Vaccinated and unvaccinated contractors who enter the court, facility or judicial property must also report if they have a household member or a visitor staying in their household who is experiencing coronavirus (COVID-19) symptoms, or if they have had contact with a potential COVID-19 case in the past fourteen (14) days, and may only enter the court, facility or judicial property after the self-isolation period, provided they are not experiencing any symptoms and can pass the daily screening questions.

Please ensure your contractors have received the **NMJB COVID-19 FAQs for Contractors.**

The CEO or designee must follow all reporting requirements, including the submittal of the positive or potential case report to the ERT. The CEO or designee must conduct contact tracing to determine if contact occurred while the contractor was in the court, facility or judicial property, and follow the protocols outlined below under the section: **CORONAVIRUS (COVID-19) – Exposure or Contact with Potential Positive Case.**

Regular Testing of Unvaccinated Contractors including Pro Tem Judges

- Unvaccinated contractors, including judges pro tem must complete the ***SC ERT Contractor and pro Tem Vaccination and COVID-19 Test Attestation Form*** no later than Monday, August 23, 2021, attesting to their vaccination status.
- Unvaccinated contractors, including judges pro tem are required to receive an approved COVID-19 Test every seven (7) days starting on August 23, 2021, and weekly provide to their NMJB Program Manager the ***SC ERT Contractor and Pro Tem Vaccination and COVID-19 Test Attestation Form***. The Program Manager will complete the bottom portion of the form signifying their receipt; no review of vaccination card or test results is required, though the Program Manager

may, after consulting with their Administrative Authority ask for a copy of the test results.

- A contractor is defined as someone who enters the court or court building, or has in-person meetings with court staff.
- The vaccination and testing requirement does not apply to contactors who work exclusively out of state, or who are not entering the court or could building, or having in-person meetings with staff.
- If a contractor is not going into the court or court building, and is not having in-person meetings with court staff, but could at a future point in time, the Program Manager must ensure that prior to the contractor entering the court or court building, they have received a negative coronavirus (COVID-19) test and provided the ***SC ERT Contractor and Pro Tem Vaccination and COVID-19 Test Attestation Form.***
- The unvaccinated contractor may continue working and enter the courthouse or facility while awaiting test results under this provision and provided they can pass the daily screening questions.
- The contract manager shall be responsible for ensuring testing is completed weekly and shall report to the Administrative Authority each Monday any contractor out of compliance, and who cannot continue working until tested.
- Testing shall be a condition of the contract and is not compensable.
- Testing shall be performed by an approved NM DOH test site or test.

CourtCall

Supreme Court Order No. 20-8500-024

- Courts shall suspend the use of CourtCall or other similar services that require the parties to pay for the service if the telephonic or audiovisual proceeding is a public health proceeding or is a proceeding in which a party is a self-represented litigant, a governmental entity, represented by a civil legal services organization, or represented by an attorney providing pro bono legal services.
- Effective September 1, 2020, courts shall discontinue the use of CourtCall and other similar services that require the parties to pay a fee for the service for all court proceedings.

Court Filings

Emergency Court Protocols

- Under Emergency Court Protocol No. 3, all courts shall maintain local procedures for accepting filings by email or by fax from self-represented litigants.
- Filing by email or fax also shall continue to be permitted by attorneys in those case-types that are not eligible for electronic filing through the New Mexico Judiciary's File and Serve System.
- Applicable provisions in the rules of procedure addressing the filing of documents in the appellate, district, metropolitan, and magistrate courts by email or fax shall remain temporarily suspended to the extent necessary to accommodate local procedures used by courts for expanded filing by email or fax during the current public health emergency.

1. **In response to a request from a customer, can a document be notarized remotely (email, phone, video)?**
   - No.
   - Even if performing an e-notarization, a notary must verify the identity of the signer in-person. The notary cannot use video or audio devices to communicate and verify the identity of the signer.

Continuity of Court Operations and Court Hours

Emergency Court Protocols

- Under Emergency Court Protocol No. 1, all New Mexico state courts shall remain open and operating under regular business hours to ensure that the courts fulfill their constitutional and statutory responsibilities to all New Mexicans.
- There shall be no blanket cancellation of cases or types of proceedings unless authorized pursuant to an approved continuity of operations plan under **Supreme Court Order No. 20-8500-016** or as otherwise ordered by the Supreme Court.
- Probate courts and municipal courts may close if the building in which a court operates by county or municipal authorities, or if the presiding judge in the court chooses to do so. However, a notice must be posted at the closed courthouse with the locations and phone numbers of the nearest magistrate and district courts; and the public and the chief district judge in the judicial district must be provided with advance notice of closure.
- Under Emergency Court Protocol No. 2 (C), no probate or municipal court may conduct in-person proceedings without a plan for reopening that has been approved by the Supreme Court's Emergency Response Team.
- The onsite performance of job duties is the presumptive working arrangement

for all judicial officers and employees.

Coronavirus (COVID-19) Symptoms & Testing

Judicial employees and judicial officers, **regardless of vaccination status**; shall notify their supervisor or manager immediately and **PRIOR to entering the workplace** if they are experiencing a shortness of breath, difficulty breathing, a dry cough, a temperature at or above 100.4, chills, sore throat, body aches, headaches, congestion or runny nose, nausea or vomiting, diarrhea, or have lost their sense of taste or smell, or if they have concerns that they may have been exposed to the virus.

Judicial employees and judicial officers, **regardless of vaccination status;** must also report if they have a household member or a visitor staying in their household who is experiencing coronavirus (COVID-19) symptoms.

Voluntary Testing:

Judicial employees and judicial officers, **regardless of vaccination status**; shall notify their supervisor or manager **prior to entering the workplace if they voluntarily received a coronavirus (COVID-19) test and are awaiting the results** (as opposed to obtaining a coronavirus test because of concerns regarding illness or exposure, no matter how remote).

- Management should ascertain if there is an underlying cause for concern, or if contact with a possible positive case occurred resulting in the voluntary test.
- If the judicial officer or employee or other person wishing to enter the courthouse or judicial building engages in routine testing, such as when required by their employer, medical provider, or otherwise, the Chief Judge or designee may allow the person to enter the courthouse or judicial facility based on the specific circumstances.
- If the employee or judicial officer is not **fully vaccinated** as defined in the Supreme Court protocols and in the definitions below, then an exception must be approved using the ***NMJB ERT Screening Exception to Enter Courthouse or Judicial Building form,*** with a copy of the approval sent to the ERT.
- In such cases, the person must report any new or changing symptoms immediately and follow the requirements of COVID testing and symptoms.
- Unvaccinated Judicial officers and judicial employees required to test weekly may continue working and enter the courthouse or facility while awaiting test results under this provision and provided they can pass the daily screening questions.

Because COVID-19 is so contagious and can be spread by people who do not have any apparent symptoms, people who have tested positive for COVID-19 and people who have had close contact with someone who tested positive for COVID-19 should physically

separate themselves from other people.

1. SYMPTOMATIC:

If an employee or judicial officer, <u>regardless of vaccination status</u>; is experiencing coronavirus, (COVID-19) related symptoms they must immediately:

- Receive a coronavirus (COVID-19) **test by an approved NMDOH** testing site, using appropriate and approved NMDOH tests. DOH approved tests include home test kits mailed to a judicial officer or employee from an approved provider sponsored or in coordination with the DOH. Approved site locations in this context include the judicial officer or employee's residence.
- Engage in a period of **self-isolation** **(duration outlined below and dependent upon whether the employee or judicial officer tests while symptomatic)**.
- Work from home during the period of self-isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.
- **Cross-Tracing and Contact:** Management must determine all employees or judicial officers who are not fully vaccinated that came in contact with the possible positive employee came in contact with within the preceding **ten (10) days**, and send those employees and judicial officers home to telework until the employee's test results are returned (contact is defined as less than six (6) feet for more than three (3) minutes), and have them immediately contact the DOH to receive a coronavirus (COVID-19) test.
- If the judicial officer or employee had contact with other court staff either within or outside of the courthouse or judicial building, management should determine whether violating the Supreme Court Order or corresponding protocols, which include ensuring appropriate social and physical distancing warrants corrective measures or communications.
- A judicial officer or employee **who is teleworking** should report experiencing any of these symptoms, and report any household member who is experiencing these symptoms, to their supervisor and Human Resources immediately if the worker has been at the courthouse or judicial building ten (10) days prior to first experiencing the coronavirus (COVID-19) symptoms. The onsite performance of job duties is the presumptive working arrangement for all judicial officers and employees.
- The CEO or their designee **<u>must immediately</u>** report the potential or confirmed coronavirus (COVID-19) case to the ERT using the electronic Google Form, and if a positive, case **must submit to the NMED Rapid Response Team within four (4) hours of initial notification** and forward the confirmation of submittal to AOC HRD. A follow-up report is required using the electronic Google form once the test results are received.
    - ❖ An employee or judicial officer, regardless of vaccination status; who begins exhibiting symptoms before they arrive at work, they may not go to work

and must notify their immediate supervisor, manager, and Human Resources immediately.

- ❖ Employees experiencing a medical emergency should call 911, and notify the operator of their symptoms.

2. NEGATIVE TEST WHILE SYMPTOMATIC:

If the judicial employee or judicial officer is tested while symptomatic, and the test is negative for the coronavirus (COVID-19), the employee may:

- Return to work after they have been symptom-free for 72-hours without the use of fever-reducing medication, and
- Are able to pass the daily screening questions.
  - ❖ **The contacts reported by the symptomatic employee may also return to the workplace.**
  - ❖ Management should determine whether violating the Supreme Court Order or corresponding protocols, which include ensuring appropriate social and physical distancing warrants corrective measures or communications.
  - ❖ **The CEO or their designee must immediately report the test results to the ERT using the electronic Google form.**

Employees or judicial officers denied access to a courthouse or other building due to symptoms that are related to a CHRONIC ILLNESS OR CONDITION may follow the guidance under HEALTH SCREENING.

3. NEGATIVE TEST WHILE ASYMPTOMATIC:

If the judicial employee or judicial officer who is not fully vaccinated is tested when they are no longer experiencing symptoms, or are asymptomatic, and the test is negative for the coronavirus (COVID-19) the employee must:

- Must **Self-isolate** for **ten (10) days** following the onset of the symptoms, and may not return to the workplace until the employee or judicial officer is able to pass the daily screening questions.
  - ❖ A negative test if taken while asymptomatic does not replace the required ten (10) day **self-isolation.** Infection can occur at any point during the self-isolation period and the full ten (10) day self-isolation is required.
  - ❖ The contacts reported by the asymptomatic employee may not return to the workplace until ten (10) days following the contact or exposure.
  - ❖ Management should determine whether violating the Supreme Court Order or corresponding protocols, which include ensuring appropriate social and physical distancing warrants corrective measures or communications.
  - ❖ The CEO or their designee must immediately report the test results to the

ERT using the electronic Google form.

Unless tested while symptomatic, a negative test result does not end the ten (10) day self-isolation. Infection can occur at any point during the self-isolation period and the full self-isolation period should be completed.

If a fully vaccinated judicial employee or judicial officer is tested when they are no longer experiencing symptoms, or are asymptomatic, and the test is negative for the coronavirus (COVID-19) the employee may:

- Return to the workplace after being symptom-free for 72-hours without the use of fever-reducing medicine, and
- Is able to pass the daily screening questions.
- Work from home during the period of self-isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.

4. POSITIVE TEST WHILE SYMPTOMATIC OR ASYMPTOMATIC: If the judicial employee or judicial officer tests positive and regardless of vaccination status:

- The chief judge, administrative authority, or designee must report a positive case to the Supreme Court's ERT **within two (2) hours of learning of the positive case.**
- The judicial employee or judicial officer must:
  - **Self-isolate** for **fourteen (14) days** from the date of the positive test,
  - Work from home during the period of self-isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.
  - Has been advised by the DOH that they may return to normal activities,
  - ~~be symptom-free for 72-hours without the use of fever-reducing medicine~~
  - Able to pass the daily screening questions, and
  - Receive written approval by the chief judge, administrative authority or designee to reenter the workplace using the ***NMJB ERT Returning to Work for Those Who Have Had Covid-19.***
  - Judicial employees or judicial officers may be released back to work activities by the NMDOH as no longer infectious, though may continue to test positive.
  - A judicial officer or judicial employee who tests positive, has self-isolated for fourteen (14) days, and is unable to pass the daily screening questions may be approved by the chief judge, administrative authority, or designee to return back in to the court or facility using the ***Returning to Work for Those Who Have Had COVID-19*** form.

- Unvaccinated judicial officers and judicial employees who test weekly, and who continue to test positive for the coronavirus (COVID-19) must receive weekly written approval by the chief judge, administrative authority or designee to reenter the workplace using the ***NMJB ERT Returning to Work for those who have had Covid-19.***
- Please note the self-certification on the form requires confirmation that ~~the person is symptom-free and that~~ the NM DOH has advised them that they may return to work activities.
- This form is required to be completed to return to work activities ~~regardless of~~ if the employee is working in the court or facility. ~~the building or teleworking.~~
- Management should determine whether violating the Supreme Court Order or corresponding protocols, which include ensuring appropriate social and physical distancing warrants corrective measures or communications.
- Management may not require a NMDOH clearance (return to work) letter, and should not require a negative test before allowing the employee to return to the workplace. Employees may continue to test positive while still being released by the NMDOH as no longer infectious.

- All courthouses and other judicial buildings must be maintained in accordance with the guidelines issued by the NM Department of Health for the cleaning and disinfection of public facilities during the current public health emergency, and when there is a positive coronavirus (COVID-19) case.

CORONAVIRUS (COVID-19) – EXPOSURE OR CONTACT WITH A POTENTIAL OR CONFIRMED POSITIVE CASE

Confirmed Positive Coronavirus (COVID-19) Case

If a judicial employee or judicial officer who is **not fully vaccinated** has contact with **a confirmed positive** coronavirus (COVID-19) case, the judicial employee or judicial officer must begin self- isolation of ten (10) days, and **must** immediately contact the NMDOH to obtain a coronavirus (COVID-19) test conducted by an approved NMDOH testing site, using appropriate and approved NMDOH tests. The ten (10) days run from the last date the judicial employee or judicial officer has contact with the person with coronavirus (COVID-19). The CEO or designee must report the contact using the electronic Google Form.

- **If the judicial employee or judicial officer is fully vaccinated** ~~(i.e., two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson~~

~~vaccination, as confirmed and verified by human resources)~~**,** the judicial employee or judicial officer does not have to self-isolate or test after contact with a confirmed positive coronavirus (COVID-19) case, unless it is a household member or someone for whom the judicial employee or judicial officer provide care, and may return into the workplace unless the judicial employee or judicial officer has coronavirus (COVID-19) symptoms.

- If the judicial employee or judicial officer has symptoms of coronavirus (COVID- 19), they must self-isolate, test, and follow the Emergency Court Protocols for symptomatic judicial employees and judicial officers.
- If the judicial officer or judicial employee is fully vaccinated and has a household member or someone for whom they provide regular care with a confirmed positive COVID-19 case, the fully vaccinated judicial employee or judicial officer should ~~must~~ self-isolate and test on day 3 to day 5 following exposure and may return to the workplace after a minimum of five (5) days with a negative test.
- If an unvaccinated judicial officer or judicial employee lives with or cares for someone with a confirmed positive COVID-19 case, the judicial officer or judicial employee must continue to stay in isolation until **ten (10) days** after the positive COVID household member completes their period of self-isolation, regardless of vaccination status; this is a self-isolation period of approximately twenty-four (24) days from the date the positive test was taken.
- Work from home during the period of self-isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.
- The CEO or designee must report if a judicial officer or judicial employee lives with or cares for someone with a confirmed positive coronavirus (COVID-19) case, using the electronic Google Form.

Potential Coronavirus (COVID-19) Case

The CEO or designee must report if contact occurs between a potential COVID-19 infected judicial employee or judicial officer and another person who works for the judiciary, or who works in the court, facility, or judicial property using the electronic Google Form and a follow-up report is required once the test results are received, **unless the judicial employee or judicial officer is fully vaccinated,** ~~meaning two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources~~ **then the judicial employee or judicial officer does not have to self-isolate and may return into the workplace.**

If the judicial employee or judicial officer who is unvaccinated did have contact with other court staff either within or outside of the courthouse or judicial building, management should determine whether violating the Supreme Court Order or corresponding protocols,

which include ensuring appropriate social and physical distancing warrants corrective measures or communications.

1. **A judicial employee or judicial officer <u>who is not fully vaccinated</u> has contact with someone who is a potential coronavirus (COVID-19) case must do the following, unless as provided for in the exception outlined above:**
   - Immediately self-isolate for ten (10) calendar days from the last date of contact and exposure from that person (e.g., if five (5) days have passed since the judicial employee or judicial officer last had contact or exposure to the possible positive case, then the self-isolation would be for five (5) days, to equal a total of ten
     (10) days since last contact or exposure) **<u>unless</u>**:
     - ❖ **<u>If the exposure or contact is with a symptomatic person</u>** who receives a negative coronavirus (COVID-19) test while symptomatic, the judicial employee or judicial officer may **immediately** return to the workplace provided they can pass all screening questions.
   - The judicial employee or judicial officer **must** immediately contact the NMDOH to obtain a coronavirus (COVID-19) test conducted by an approved NMDOH testing site, using appropriate and approved NMDOH tests.
   - **Cross-Tracing and Contact:** Management must identify all judicial employees or judicial officers in contact with the possible positive judicial employee within the preceding ten (10) days, and send those judicial employees and judicial officers home to telework until the employee's test results are returned (contact is defined as less than six (6) feet for more than three (3) minutes).
   - The judicial employee or judicial officer may work from home during the period of self- isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.
   - The judicial officer or judicial employee must report if they begin experiencing coronavirus (COVID-19) symptoms to their supervisor **and** Human Resources immediately, and provide a list of any judicial employees or judicial officers the worker has been in contact with over the preceding ten (10) days.
   - **If a judicial employee or judicial officer has a positive or pending coronavirus (COVID-19) contact case <u>within their household</u>, please refer to #2 below.**

2. **If the exposure or contact is with a household member (child, spouse, etc.) or someone who the judicial employee or judicial officer provides regular care who is the potential coronavirus (COVID-19) case:**
   - A judicial employee or judicial officer who **<u>is fully vaccinated</u>** and has a potential coronavirus (COVID-19) case within their household does not have to

self-isolate and may continue working unless the household member or person for whom the fully vaccinated judicial employee or judicial officer provides care tests positive.

- If a judicial employee or judicial officer **who is not fully vaccinated** has a potential coronavirus (COVID-19) case within their household, the judicial employee should begin self-isolation of ten (10) days, and **must** immediately contact the NMDOH to obtain a coronavirus (COVID-19) test conducted by an approved NMDOH testing site, using appropriate and approved NMDOH tests. The judicial employee should contact the NMDOH to see if the judicial employee and household members should be tested, and continue self-isolating unless the judicial employee or judicial officer's household member's **contact's** test is confirmed as negative.
- If the test results of the contact (the person the household member came in contact with) are not able to be obtained, the judicial employee or judicial officer should self-isolate for the full ten (10) days.
- Work from home during the period of self-isolation to the extent that work can be performed remotely, and with the permission of the chief judge, administrative authority, or designee.
- If the judicial employee or judicial officer is fully vaccinated ~~meaning two weeks, past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources~~, then the judicial employee does not have to self-isolate and may return into the workplace.
- If the contact of the household member is determined to have been negative, the judicial employee or judicial officer may return to the workplace provided they can pass the daily screening questions.
    - **Example - DAYCARE or SCHOOL CONTACT:** For example, if a judicial employee or judicial officer's child's school is closed due to a potential coronavirus (COVID-19) case, the judicial employee or judicial officer, and household members should self-isolate for ten (10) days, or until the person, the child was exposed to receive a negative coronavirus (COVID-19) test. The judicial employee or judicial officer, and household members should take a coronavirus (COVID-19) test administered by an approved NMDOH testing site, using appropriate and approved NMDOH tests. If a judicial employee or judicial officer, is two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, they are exempted from the required self-isolation period and may return to the workplace.
    - **Example - SPOUSE CONTACT AT PLACE OF EMPLOYMENT:** For example, if a judicial employee or judicial officer's spouse is exposed to

potential coronavirus (COVID-19) case, the judicial employee or judicial officer, and household members should self-isolate for ten (10) days, or until **the person, the spouse was exposed to** receive a negative coronavirus (COVID-19) test. The judicial employee or judicial officer and household members should take a coronavirus (COVID-19) test taken by an approved NMDOH testing site, using appropriate and approved NMDOH tests. However, if a judicial employee or judicial officer are two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, they are exempted from the required self-isolation period and may return to the workplace.

- ~~If a judicial employee or judicial officer's household member tests positive, and regardless of the judicial employee or judicial officer's vaccination status; the judicial employee or judicial officer must continue to stay in isolation until **ten (10) days** *after* their positive COVID household member completes *their* fourteen (14) day period of self-isolation. If the judicial employee or judicial officer test positive, they must follow the protocols for positive tests in the section above.~~

3. **If the household member works in the medical field with coronavirus (COVID-19) patients?**
   - A household member who works in the medical field with a coronavirus (COVID-19) positive patient is not considered a potential case for the purposes of a judicial employee or judicial officer's contact.
   - Those who work in the medical field follow stringent protective personal equipment (PPE) requirements, and are not required to self-isolate.
   - If the household member who works in the medical field displays coronavirus (COVID-19) symptoms the judicial employee or judicial officer must take a coronavirus (COVID-19) test taken by an approved NMDOH testing site, using appropriate and approved NMDOH tests, and begin the ten (10) day period of self-isolation.
   - However, if the household member is confirmed positive with the coronavirus (COVID-19), the judicial employee or judicial officer must take a coronavirus (COVID-19) test taken by an approved NMDOH testing site, using appropriate and approved NMDOH tests, and begin the **ten (10) day** period of self-isolation.

4. **What does "came in contact," "close contact," or "contact" with someone, mean?**
   - There is no distinction between close contact, came in contact, or contact.
   - All are defined as being less than a minimum of six (6) feet from a potential or confirmed positive case of the coronavirus (COVID-19) for three (3) minutes or

more.

Contact can occur while caring for, living with, visiting, traveling with, or sharing a healthcare waiting area or room with a coronavirus (COVID-19) case; or have been in contact with any secretion of a coronavirus (COVID-19) infected person (e.g., being coughed on).

- Contact for a fully vaccinated employee or judicial officer means being less than a minimum of six (6) feet from a member of the public, including a juror or witness, or judicial employee or judicial officer who is not fully vaccinated.

5. **When does a negative coronavirus (*COVID-19) test replace the ten (10) day self-isolation period?**
    - If a judicial employee or judicial officer is symptomatic, experiencing coronavirus (COVID-19) related symptoms and is tested immediately upon becoming symptomatic and the test is negative, the judicial employee or judicial officer may return to the workplace after being symptom-free for 72-hours without the use of fever-reducing medicine and provided they are able to pass all daily screening questions. If a judicial employee or judicial officer does not get tested while symptomatic, or if they are tested after the symptoms are gone, then they will need to still get tested, and self-isolate for ten (10) days, and not return to the workplace until they have been symptom-free for 72-hours without the use of fever- reducing medicine, and are able to pass all daily screening questions.
    - A judicial employee or judicial officer who is not exhibiting coronavirus (COVID-19) symptoms but has had exposure to a positive case MUST self-isolate for fourteen days, and a negative test is not a substitute for the self-isolation (because the judicial employee or judicial officer was tested while asymptomatic).
    - The coronavirus (COVID-19 test) must be taken by an approved NMDOH testing site, using appropriate and approved NMDOH tests.

Coronavirus (COVID-19): Mandatory Checklist

A mandatory checklist for addressing potential or confirmed cases of COVID-19 can be found **here**.

Employees

NMDOH 2019 Novel Coronavirus Disease (COVID-19)

NMDOH Essential Business – Essential Employees

Judiciary Pandemic Policy

Eviction Proceedings

The Supreme Court has paused evictions for New Mexicans who prove they are unable to pay rent during the COVID-19 public health emergency.

Supreme Court Order No. 20-8500-007 [Uniform Owner-Resident Relations Act]

Supreme Court Order No. 20-8500-008 [Mobile Home Park Act]

Evictions for Non-Payment of Rent – Uniform Owner-Resident Relations Act cases

- Effective for all writs of restitution issued on or after March 24, 2020, judges presiding in eviction proceedings arising under the Uniform Owner-Resident Relations Act shall stay the execution of writs of restitution issued for non-payment of rent only.
- The judge presiding in the case must be satisfied that the resident has demonstrated by a preponderance of the evidence a current inability to pay the monthly rent established by the rental agreement. Evictions for Non-Payment of Rent – Mobile Home Park Act cases.
- Effective for all writs of restitution issued on or after March 24, 2020, judges presiding in eviction proceedings arising under the Mobile Home Park Act shall stay the execution of writs of restitution issued for non-payment of rent only.
- Judges shall stay the removal of the mobile home from the mobile home park or foreclosing upon the mobile home.
- The judge presiding in the case must be satisfied that the resident has demonstrated by a preponderance of the evidence a current inability to pay the monthly rent established by the rental agreement.

Exhibits

Emergency Court Protocols

1. **What is the submission deadline to offer documentary exhibits for hearings held by telephonic or audiovisual connection?**
   - Under Emergency Court Protocol No. 3(B), no later than forty-eight (48) hours before the start of any hearing, unless otherwise directed by the court, the

offering party shall submit the following to the court with a copy to the opposing parties:
    - The proffered exhibits; and
    - An exhibit list that indicates whether the parties stipulate or object to the admission of each proffered exhibit and, if opposed, the grounds for any objections.
- If it appears that one or more proffered exhibits will be opposed, the presiding judge may hold an evidentiary hearing prior to the hearing at which the exhibits are sought to be admitted in order to resolve objections to the admission of exhibits.
- The admission of exhibits opposed on foundational or authentication grounds may be conditionally admitted pending witness testimony, but purely legal objections to the admission of an exhibit may be resolved before the hearing for which the exhibits are sought to be admitted.

Extensions of Time Deadlines for Trials in Criminal Cases

Emergency Court Protocols

- Under the Emergency Court Protocols, the calculation of any deadlines in Rules 5-604, 6-506, 7-506, 8-506, and LR2-308 NMRA for all cases pending or filed on or after the date of this order shall not include any period of time-delay caused by the current public health emergency.
- However, to exclude a period of time from the calculation of deadlines under the terms of this Emergency Court Protocol, the judge must enter specific findings of fact demonstrating that the period of delay was caused by the current public health emergency.

Plea and Settlement Deadlines

Emergency Court Protocols

1. **In criminal and civil proceedings what is the deadline to submit a plea agreement or settlement agreement?**
    - Under the Emergency Court Protocols, plea agreements and settlement agreements must be submitted for the court's consideration by a deadline set in the court's consideration that will allow the court sufficient time to take action on the plea agreement or settlement agreement no later than five (5) business days before the scheduled date for jury selection or commencement of a bench

trial.

- A request for the court to approve an untimely plea agreement or settlement agreement shall not be granted except upon a written finding by the judge of extraordinary circumstances that excuse the untimely submission of the agreement. If the court denies a request to accept an untimely plea agreement or settlement agreement, the case shall proceed to trial on the scheduled date.
- Where there is a denial of a request to accept an untimely plea agreement in a criminal case, a defendant may elect to plead guilty to all charges leaving full sentencing discretion with the court or the state may elect to dismiss all charges with prejudice any time before or during the trial.
- The provisions of the Emergency Court Protocol shall not apply to the plea deadline provisions in the local Rule LR2-308 NMRA or non-attorney prosecutions in the metropolitan and magistrate courts.
- The Emergency Court Protocol shall be effective for all cases in which a jury selection or bench trial is scheduled to commence on or after July 1, 2020.

Fines and Fees

Supreme Court Order No. 20-8500-005

Supreme Court Order No. 20-8500-019

- The order adds thirty (30) days to the payment deadline imposed by a Magistrate, Metropolitan, District, or Municipal Court for fines and fees that must be paid between March 19, 2020, and May 29, 2020.
- The extension does not apply to amounts past due.
  - Order No. 20-8500-019 adds thirty (days) to the payment deadlines imposed for fines and fees due between May 30, 2020, and June 30, 2020.

Health Screening and Screening Questions

Emergency Court Protocols

- Under Emergency Court Protocol No. 1 (B), all courts shall ask the approved screening questions, regardless of vaccination status; as well as jurors, attorneys, witnesses, litigants, the press, and the general public prior to their entry into a courthouse or other building operated or occupied by the judiciary and deny access to anyone, who:
  1) Is not wearing a mask;
  2) Answers “yes” to any of the required screening questions located

on the **Coronavirus (COVID-19) Information web page**.

- **All judicial officers and judicial employees must answer the daily screening questions using the Supreme Court ERT Google Form, whether teleworking or <u>before</u> reporting to work. The onsite performance of job duties is the presumptive working arrangement for all judicial officers and judicial employees.**
- **The local judicial entity's Human Resources professional must review the responses daily to ensure compliance with entry restrictions and to follow reporting requirements. To maintain appropriate confidentiality, daily screening responses shall not be reviewed by the judicial employee's supervisor or non-Human Resources personnel.**
- **The following exception to using the Supreme Court ERT Google Form <u>before</u> reporting to work must be approved by their current chief judge, administrative authority or designee, and includes:**
    - Passing the verbal screening questions at the entrance of courthouse or judicial building,

      Observing all COVID-19 Safety Protocols including wearing double masks or other masks authorized by these FAQs and maintaining safe physical distancing of 6 feet or more, **<u>and</u>**
    - Going directly to a computer to fill out the Supreme Court ERT Google Form.
- **If a justice partner refuses the Supreme Court screening process they must be denied access to the courthouse, or building operated or occupied by the judiciary.**
- Management must ensure that screening protocols are properly conducted daily to prevent sick judicial employees or judicial officers from entering the court, facility, or judicial property.
- All courts shall maintain a daily log of all persons entering a courtroom. The daily log shall include the name, telephone number, and date of entry for each person on the log and be retained for four (4) weeks. Judicial employee and judicial officer security screening logs or responses shall not be retained beyond fourteen (14) days.
- **Any judicial employee or judicial officer who is denied access to a courthouse or other building because of the results of the screening shall be required to do the following:**
    - Immediately notify the chief judge, administrative authority, or designee and contact the NMDOH to obtain a test for COVID-19 and disclose the results of the test to the chief judge, administrative authority, or designee.
    - Engage in a ten (10) day period of self-isolation from when the symptoms began unless **approved in writing** by **the chief judge, administrative authority, or designee of the judicial district**

(required written approval explained below).

- The coronavirus (COVID-19 test) must be taken by an approved NMDOH testing site, using appropriate and approved NMDOH tests, and should be taken while the judicial employee is symptomatic. The judicial officer or judicial employee may telework to the extent that their work can be performed remotely with the permission of the chief judge, administrative authority, or designee. The onsite performance of job duties is the presumptive working arrangement for all judicial officers and judicial employees.
- **Upon investigation into the judicial employee or judicial officer's failure to pass the screening questions the chief judge, administrative authority, or designee of the judicial district may choose to allow entry under one of two possible situations:**
    1) The judicial employee or judicial officer's travel falls under the authorized and allowed exemptions, or
    2) Where the judicial employee or judicial officer has a negative test while symptomatic and provides medical verification that the symptoms relate to a chronic illness or condition.
        - The judicial employee or judicial officer must report any new or changing symptoms immediately and follow the requirements of **COVID testing and symptoms.**
        - The chief judges, administrative authority, or designee should be very cautious about allowing entry based on a symptom being chronic.

Approval granted by their current chief judge, administrative authority, or designee shall be communicated using the NMJB ERT Screening Exception to Enter Courthouse or Judicial Building form**, with a copy of the approval sent to the ERT prior to entry.**

Identification Issues in Remote Criminal Proceedings Emergency Court Protocols

Under Emergency Court Protocol No. 3 (C), a party challenging the identification of a defendant at a hearing to be held by telephonic or audiovisual connection shall notify the court and opposing counsel at least forty-eight (48) hours before the hearing so that the court and opposing counsel have adequate time to prepare and make arrangements for conducting the hearing in a manner conducive to addressing and resolving a challenge to the identity of the defendant.

Interpreters

1. **Are interpreters able to appear by phone or video if parties appear remotely?**
   - Yes. The interpreter can appear remotely regardless of the parties' location.
   - The interpreter, courtroom, jail, and/or parties connect to the same VMR (Video Meeting Room).
   - The courtroom, jail, and/or parties connect via video, and the interpreter connects by phone (the court must dial 5 before the country/area code. For example, 5 1 505 270 0206).
   - All parties connect through Google Hangout Meet.

2. **Is simultaneous interpreting possible if the interpreter appears remotely?**
   - Yes.
   - However, unlike consecutive interpreting, two audio channels are needed for simultaneous interpreting to take place.
   - The LEP party and the interpreter will share the phone audio channel. This will be the line used to render the simultaneous interpretation of the non-English language to the LEP party. This phone line must NOT be connected through the Polycom system.
   - The interpreter will also share the Polycom audio line with the court. This line is used when the LEP party speaks, testimony, etc. The interpreter will communicate with the court using this line. Alternatively, Google Hangout or Meet can be used.

Jury Trials

Emergency Court Protocols

Under the Emergency Court Protocols:

- All in-person proceedings, including, but not limited to jury trials, shall occur in each judicial district pursuant to the individualized plans submitted by the chief judge in each judicial district for approval by the Supreme Court. Jury trials shall be held in a manner that allows the press and members of the public to observe in person or by audiovisual connection if necessary to comply with social distancing requirements.
- Plans submitted by the chief judge to conduct jury trials shall incorporate all of the precautionary measures in the Emergency Court Protocols, including maintaining a minimum distance of six (6) feet in each direction between every individual participating in the trial proceedings.
- Approved plans for conducting jury trials and other in-person proceedings shall

not be revised without the approval of the Supreme Court. Courts should send any proposed plan revisions with redlined tracking to the Supreme Court's ERT.
- Jury duty will continue in a method that minimizes contact among groups of people within a courtroom or office setting.

Courts shall screen all jurors and deny access to any juror who:
- Is not wearing a mask in accordance with the Supreme Court protocols; or
- Answers "yes" to any of the required screening questions located on the **Coronavirus (COVID-19) Information web page**.

Masks

Emergency Court Protocols

Supreme Court Order No. 20-8500-016

NMDOH Guidance on Masks

CDC Poster: Important Information about your mask

Effective August 23, 2021, all judicial officers and judicial employees, regardless of vaccination status shall wear an ERT approved mask or face covering while entering and exiting the building, or while in other physical spaces used, occupied, or operated by the New Mexico Judiciary.

Face masks worn by judicial officers and judicial employees must conform to the appropriate guidance for masks in effect at the time and regardless of vaccination status.

The Judiciary views the mask requirement as a serious matter of public safety. ***Therefore, any judicial employee, regardless of vaccination status not wearing a mask contrary to court protocols at the time will be subject to a minimum three (3) day unpaid suspension.*** If the judicial employee who violates the masking requirement is fully vaccinated, and this is their first offense, the chief judge or administrative authority in each judicial district has the discretion to choose a lesser action based upon the totality of the circumstances, and provided the chief judge or administrative authority counsels the violating judicial employee on the importance of masking.

The chief judge or administrative authority has the discretion to apply this rule retroactively. Any violation MUST be immediately reported to the AOC HR Director, and **prior to a lesser action being taken**. If the same fully vaccinated judicial employee

violates the masking requirement a second time, they are subject to the minimum three (3) day unpaid suspension.

Jurors and the public will continue to be required to maintain a six (6) feet physical distance and wear masks according to existing protocols until further notice.

This means double protective masks or other masks authorized below for impaneled jurors and a single layer of a protective mask or face covering for all others (including witnesses, attorneys, voir dire jurors, and the general public). Judicial Districts may submit an exception to the physical distancing requirement by submitting a plan to the ERT explaining how the trial or jury selection can be safely carried out.

Masking in accordance with the Supreme Court protocols includes the following authorized masking requirements:

- A surgical mask underneath a cloth mask (double- mask);
- Two cloth masks, provided they fit against the face without gaps (double-mask);
- A mask containing a PM 2.5 filter between two layers of fabric;
- A KF94 mask; or
- A KN95 mask.
- Warning: Please be aware, and cautious, of counterfeit respirators, counterfeit KN95 masks or misrepresentations on National Institute for Occupational Safety and Health (NIOSH) approval on the market. The following website provides additional guidance: **https://www.cdc.gov/niosh/npptl/usernotices/counterfeitResp.html**

All masks must comply with the following design requirements:

- Be made with at least two (2) layers of breathable material, [2 masks=4 layers]
- Fit snugly but comfortably against the side of the face,
- Not have holes including exhaust valves,
- Not be made of lace, mesh, knitted material, or fleece, and
- Be secured with ties or ear loops and allow the wearer to have their hands free.
- At this time, based on guidance from health authorities, the following are not acceptable face coverings or masks:
    - Neck gaiters,
    - Bandanas,
    - Clear masks,
    - Face shields, unless worn in addition to an approved face covering,
    - Masks with exhaust valves, mesh material, or holds of any kind, and
    - Any face covering deemed inappropriate by the administrative authority of a court or judicial facility.

Plastic face shields are not a substitute for masks or other face coverings but may be worn in addition. New Mexicans are required to use approved masks during the public health emergency and non-compliance by an individual may result in citations, fines, or if a judicial employee or judicial officer corrective measures.

The Emergency Court Protocols exclude the following individuals from the mask requirement.

- Young children who are unable to remove the mask without assistance;
- Someone who provides written proof from a health care provider not to wear a mask (if a judicial employee or judicial officer has been advised by a health care provider not to wear a face covering, they should contact their Human Resources Professional to discuss this situation and the local Human Resources Professional will contact AOC HRD to discuss the issue; no medical or confidential information should be sent directly to the ERT);
- Anyone unconscious, incapacitated, or otherwise unable to remove a mask without assistance,
- anyone providing emergency response to a life-threatening circumstance, or
- As mentioned below, a judicial officer or judicial employee who is alone working in a private office when no one else is present is also not required to wear a mask.

1. **Can a judicial employee or judicial officer take their mask off while working in a private office with the door open?**
   - The use of protective masks or face coverings is not required by a judicial employee or judicial officer when in that person's private office with no one else present.
   - A judicial employee or judicial officer may remove their mask while working in their private office, and may leave the door open provided the following conditions are met:
     - There is appropriate space between the judicial employee or judicial officer's doorway and where they work or their desk is located (minimum six (6) feet); and,
     - The judicial employee or judicial officer put on their mask as soon as someone comes to their doorway, and prior to anyone entering their office.
   - Judicial employees working in cubicles, carrels, or similar spaces are not considered private offices.
   - The mask requirement applies after business hours.

2. **Are face masks required during judicial proceedings?**
   - Yes, during trials and hearings all participants including attorneys, witnesses,

and jurors shall wear a face covering at all times, including while testifying and deliberating.
- Impaneled jurors must wear a mask in accordance with the Supreme Court Protocols and authorized by these FAQs.
- If the identification of a party or witness is required, they may remove the face covering for a very brief moment provided they do not speak while the face covering is removed.

Mass Gatherings / Social and Physical Distancing

Emergency Court Protocols

- All gathering of individuals, including judicial officers, judicial employees, jurors, attorneys, litigants, the press, and the general public, in a single, connected location within a courthouse or other building **must allow for the appropriate social and physical distancing of a minimum of six (6) feet in each direction.**
- All judicial employees, judicial officers, contractors, vendors, and volunteers who are not fully vaccinated must, in addition to wearing a mask, maintain an appropriate social and physical distance of a minimum of six (6) feet while entering, inside, and exiting a courthouse or judicial building.
- Any gathering of eight (8) or more judicial officers and/or judicial employees, and regardless of vaccination status is not allowed unless the Supreme Court Emergency Response Team has approved a plan for the gathering.
- Whenever possible, unvaccinated judicial officers and judicial employees should attend meetings, trainings, or similar remotely.
- If a minimum of six (6) feet, distancing cannot be maintained then Plexiglass or other barriers must be installed.
- Under Emergency Court Protocol No. 2 (A), all trials that are not required to be suspended, all hearings, and other court-organized gatherings of any type and at any location shall be held in a manner that limits the number of individuals in a single, connected location within a courthouse or other building to allow for appropriate social distancing, as recommended by public health authorities. This includes judges, court personnel, jurors, attorneys, litigants, the press, and the general public. In any such gathering, a minimum of six (6) feet in each direction must be maintained between every individual while entering, inside, and exiting the courthouse.
- All individuals must wear a protective mask at all times while participating in a judicial proceeding, including witnesses and jurors.
- **In-person work-related social gatherings, such as potlucks**, birthday parties, farewells, etc., both on judiciary property and off judiciary property **are not**

permitted unless ~~all participants are fully vaccinated or~~ the Supreme Court Emergency Response Team has approved a plan for the gathering.

- Avoiding social gatherings during this public health emergency not only aids in preventing the spread of the virus within the workforce and the workplace but also in the community.

Judicial Proceedings – Format of Court Proceedings

Under Emergency Court Protocol No. 2 (A), judicial officers, court personnel, attorneys, all witnesses, and jurors shall wear masks at all times during trials and other hearings, including while testifying or deliberating.

1. **Can a party or witness take off their mask during a proceeding?**
   - A mask may be removed for a very brief moment to allow for the identification of a party or witness provided that the party or witness does not speak while the mask is removed.
   - At the discretion of the judge, any party may request that a witness be allowed to testify without a mask, subject to the requirements in the Supreme Court Order:
     - The witness shall be required to appear by two-way audiovisual connection outside of the courtroom;
     - The audiovisual connection must enable simultaneous audiovisual communication;
     - No other person shall be present in the room with the witness while the witness is unmasked.
     - The judge, court monitor or court reporter, the litigants, and their counsel, and all jurors shall be able to see, hear, and observe the demeanor of the witness while testifying;
     - The ability for confidential communication between all parties shall be made available; and
     - The judge shall make a factual finding on the record of the necessity for allowing audiovisual testimony. May include finding that the witness is unavailable for testimony in the courtroom because of the need to protect public health during the current public health emergency.
   - Judicial officers and other court personnel shall wear a protective face covering at all times while participating in a judicial proceeding notwithstanding their vaccination status unless an exception to this masking requirement is approved by the Supreme Court Emergency Response Team for specified in-person proceedings pursuant to a plan submitted by a requesting court that explains how such proceedings can be safely carried out without maintaining the masking requirement. Telephonic or audio-video hearings shall be held in a manner that allows the press and members of the public to observe the

proceeding.

2. **Can defendants who are required to be present under criminal procedure rules appear remotely?**
   - At the discretion of the presiding judge, in consultation with the chief judge, defendants may appear through remote, audiovisual provided that confidential communication between the defendant and defense counsel is made available.

3. **Can a fully vaccinated judge and fully vaccinated judge's staff who are in a courtroom together and conducting a hearing remotely proceed without wearing masks?**
   - No.
   - Regardless of vaccination status, effective August 24, 2021, all judicial officers and judicial employees must **wear an ERT**

Motions to Reduce Sentences

- Under Emergency Court Protocol No. 3 (H), the deadline to file a motion to reduce a sentence under Rule 5-801 (A) NMRA may be waived by the court upon a showing of an extraordinary change in circumstances caused by the current public health emergency.

Municipal Court and Probate Court Closures

Emergency Court Protocols

Municipal and probate courts may close if the building in which a court operates is closed by county or municipal authorities or if the presiding judge in the court chooses to do so. A notice must be posted at the closed courthouse with the locations and phone numbers of the nearest magistrate and district courts and provided that the public and the chief district judge in the judicial district is given advance notice of any such closure.

Operation Plans

Supreme Court Order No. 20-8500-016

1. **NMJB OPERATIONAL PLANNING FOR THE CORONAVIRUS (COVID-19):**
   - The New Mexico Judicial Branch has implemented three levels or tiers of operations to respond to the coronavirus public health emergency to balance

public health and safety with court access and openness in accordance with the New Mexico Supreme Court's Orders.
- Each level or tier outlines protocols and procedures to be followed should a court or judicial entity need to reduce access to the public or reduce its staffing levels.

2. **NMJB OPERATIONAL PLANNING: What are the Operational Planning Tiers?**
   - Level 1 or Tier 1 is a Scaled Back Plan.
   - Level 2 or Tier 2 is the Core Operations Plan.
   - Level 3 or Tier 3 is the Minimal Operations Plan.

3. **NMJB OPERATIONAL PLANNING: How will a judicial entity know when to move from Level 1 to Level 2 or Level 3? Can the chief judge decide when to implement a different plan?**
   - The Supreme Court will inform judicial entities when they may implement either their Core or Minimal Operations Plan.
   - If the chief judge believes, he or she needs to implement the court's Core or Minimal Operations Plan they should contact the Supreme Court ERT immediately.
   - Implementation of Core and Minimal Operation Plans may be approved on a case-by-case basis, or statewide depending upon the circumstances.

4. **CHIEF JUDGE DESIGNEE: As chief judge, should I designate someone as my backup, especially in light of the coronavirus emergency? And if so, should I inform the Supreme Court of who that person is?**
   - Yes.
   - A chief judge must have a designee selected and report who that person is and their contact information to the Chief Justice.

Peremptory Excusals

Emergency Court Protocols

- For cases filed on or after January 1, 2021, there is no suspension of peremptory excusals.
- However, to facilitate case management processes in the metropolitan and magistrate courts during the current public health emergency, peremptory excusals under Rules 1-088.1, 2-106, 3-106, 5-106, 6-106, 7-106, and 10-162 are temporarily suspended for cases filed on or before December 31, 2020.
- The provisions of the Emergency Court Protocols shall not apply to the plea deadline provisions in local Rule LR2-308 NMRA or to non-attorney prosecutions

in the metropolitan and magistrate courts.

Posters

NMJB Help Keep Courts Safe screening poster in English

NMJB Help Keep Courts Safe screening poster in Spanish

Centers for Disease Control (CDC) COVID-19 Posters

Precautionary Measures for Operating Judicial Buildings

Emergency Court Protocols

Precautionary Measures for Conducting Judicial Proceedings

Emergency Court Protocols

Temporary Procedural Requirements for Judicial Proceedings

Emergency Court Protocols

Probate Court and Municipal Court Closures

Emergency Court Protocols

Under Emergency Court Protocol No. 1 (A), probate and municipals courts may close if the building in which a court operates is closed by county or municipal authorities or if the presiding judge in the court chooses to do so, provided notice is posted at the closed courthouse with the locations and phone numbers of the nearest magistrate and district courts and provided that the public and the chief judge in the judicial district is given advance notice of any such closure.

Remote Proceedings

Emergency Court Protocols

Standard operating procedures for teleconferences, Google Hangouts/Meet, and Polycom are available **here.**

- Under Emergency Court Protocol No. 2 (B), effective July 19, 2021, the presumption is that court proceedings other than those outlined specifically below shall be conducted remotely through telephonic or audio-video connection for court appearances by all attorneys, litigants, and witnesses, unless the prevising judge over the proceeding, in consultation with the chief judge of the judicial district, orders otherwise.
- A judge may also require an in-person appearance on the judge's initiative, without a motion by a party, provided that the judge shall confer with the parties and the chief judge of the district before proceeding with an in-person appearance.
- All criminal and civil jury trials shall proceed in person.
- The presumption is that the following proceedings in criminal cases shall be conducted in person unless the presiding judge, in consultation with the chief judge of the judicial district, orders otherwise:
    - Bench trials;
    - Competency hearings;
    - Pleas hearings;
    - Preliminary hearings;
    - Pretrial detention hearings;
    - Probation revocation hearings for out-of-custody defendants when jail time is sought; and
    - Sentencing hearings.
- The presumption is that the following proceedings in civil cases shall be conducted in person unless the presiding judge, in consultation with the chief judge of the judicial district, orders otherwise:
    - Kinship guardianship hearings;
    - Order of protection hearings;
    - Hearings in cases with a PQ case number designation in the Judiciary's case management system;
    - Hearings in cases with sequestered case number designation in the Judiciary's case Management system; and
    - Termination of parental rights hearings.
- Civil bench trials may be held in person at the discretion of the chief judge of the judicial district.
- Oral arguments in the Supreme Court and Court of Appeals shall be held in person if the participating judicial officers, court staff, and attorneys are fully vaccinated. ERT approved masks or face coverings must be worn at all times. All other proceedings before the appellate courts shall be held remotely.
- Judges may continue to take other protective measures, including the granting of

continuances upon motion of any party or the judge's motion, in appropriate cases when remote appearances are not feasible. Any criminal procedure rules requiring the presence of the defendant may be accomplished through remote, audiovisual appearance at the discretion of the judge, provided that confidential communication between the defendant and defense counsel is made available.

Sentencing

Emergency Court Protocols

The deadline for filing a motion to reduce a sentence under Rule 5-801(A) NMRA may be waived by the court upon a showing of an extraordinary change in circumstances caused by the current public health emergency.

Screening – see "Health Screening"

Self-Isolation and Quarantine

Please refer back to the "Coronavirus (Covid-19) – Exposure or Contact with a Potential or Confirmed Positive Case" section here or to "Travel" here.

Standard Operating Procedures (Remote Proceedings)

Google Hangouts/Meet Standard Operating Procedure

PolyCom Operating Procedures for Court Hearings

Telephonic and Video Conferencing Technology Directions

Supreme Court Orders

NMJB Supreme Court Orders related to the Coronavirus [note the link goes to the top of the page – you will need to scroll down to the 'Orders of the Court']

Telework

Emergency Court Protocols

The default work location will be the courthouse or judicial building. Judges must return to performing their duties in chambers during normal courthouse business hours by May 21, 2021. Judicial employees and judicial officers must return to the courthouse or other usual duty station no later than June 30, 2021.

The onsite performance of job duties is the presumptive working arrangement for all judicial officers and judicial employees. The chief judge, administrative authority, or designee in each judicial district has the discretion to grant telework based on individual circumstances. If a judicial officer or judicial employee has a reason for not returning to the building, whether medical or otherwise, they should speak with their HR representative to discuss any concerns. If the chief judge, administrative authority, or designee grants an exception, please notify the ERT by email with the reason for the exception.

Travel Including Court Ordered Travel

Emergency Court Protocols

NMDOH Travel Recommendations

1. **Can judicial employees and judicial officers travel out-of-state for work-related business?**
   - Out-of-state travel for work-related business by judicial officers and judicial employees who are not two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, are suspended until further order of the New Mexico Supreme Court.
   - However, if a judicial employee or judicial officer is two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, they may travel out-of-state for work-related business.
   - See: **Emergency Court Protocol No. 1**, Precautionary Measures For Operating Courthouses and Other Judicial Buildings.

2. **Can judicial employees or judicial officers who are not two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources travel out-of- state on personal business? If yes, what restrictions or self-isolation is required?**
   - Judicial employees and judicial officers who are not two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, are advised to

travel out-of- state with **caution** and must follow the protocols outlined below.

- A judicial employee or judicial officer who engages in out-of-state or international travel and is not two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources shall:
    - Request the travel, and report the nature, extent, and details of the travel to the chief judge, administrative authority, or designee of the judicial entity **prior to travel,** or if advance notice of the out-of-state travel is not possible due to unforeseen, emergency circumstances, must report **as soon as possible after the travel begins;** and
    - The chief judge, administrative authority or designee may deny their leave request for out-of-state travel. The judicial employee or judicial officer who engages in or returns from out- of- state or international travel shall **engage in a required ten (10) day period of self-isolation upon return to New Mexico before returning to the workplace;** or
    - The judicial employee or judicial officer may return to work after a seven (7) day self-isolation if the judicial officer or judicial employee takes a test for the coronavirus (COVID-19) five (5) days after returning to New Mexico, receives a negative test result, and can pass the daily screening questions.
    - The judicial officer or judicial employee who engages in out-of-state or international travel shall comply with the self-isolation and self-quarantine requirements in: **Emergency Court Protocol No. 1**, Precautionary Measures for Operating Courthouses and Other Judicial Buildings.

3. **Are there other exceptions in which a judicial employee or judicial officer who travels or returns from out-of-state travel would not have to self-isolate for the ten (10) days prior to returning to the workplace?**

Judicial employees and judicial officers who are two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, may travel out-of-state without a self-isolation period.

- There is no required self-isolation period if the travel by the judicial employee or judicial officer, or for the judicial employee's or judicial officer's household member, is for commuting to and from the personal residence of the judicial employee or judicial officer and if telework is not available, and provided there are no discretionary stops, the travel does not include mass gatherings with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.
- There is no required self-isolation period if the travel is required by the judicial

employee's or judicial officer's household member, and provided there are no discretionary stops, the travel does not include mass gatherings with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.

- There is no required self-isolation period if the judicial employee or judicial officer left the state for 24-hours or less for matters attendant to non-discretionary parenting responsibilities, such as travel for custody or visitation exchanges, or to transport a child to or from school or college, and provided the employees or judicial officers do not engage in leisure or vacation activities, the travel is not to an international destination, there are no discretionary stops, the travel does not include a mass gathering with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities. For **essential medical treatment** for the judicial employee or judicial officer or that person's immediate family member, provided that the travel is not to an international destination, the travel is not for vacation purposes, there are no discretionary stops, the travel does not include a mass gathering with other persons, and the travel otherwise complies with other social distancing requirements and recommendations from New Mexico public health authorities.
- **Emergency Court Protocols**

4. **Can judicial employees or judicial officers who are two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources travel out-of-state on personal business? If yes, what restrictions or self-isolation is required?**
   - Yes.
   - Judicial employees and judicial officers who are two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, may travel out-of-state without a required self-isolation period.

5. **Can judicial employees or judicial officers who are two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources travel internationally on personal business?**
   - Judicial employees and judicial officers who are two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, shall:
     - Request the travel, and report the nature, extent, and details of the travel to the chief judge, administrative authority, or designee of the judicial entity

prior to travel, or if advance notice of the out-of-state travel is not possible due to unforeseen, emergency circumstances, must report **as soon as possible after the travel begins;** and

- The chief judge, administrative authority or designee may deny their leave request for international travel.
- The judicial employee or judicial officer who engages in or returns from international travel shall **engage in a required ten (10) day period of self-isolation upon return to New Mexico before returning to the workplace;** or
- The judicial employee or judicial officer may return to work after a seven (7) day self-isolation if the judicial officer or employee takes a test for the coronavirus (COVID-19) five (5) days after returning to New Mexico, receives a negative test result, and can pass the daily screening questions.
- The judicial officer or judicial employee who engages in international travel shall comply with the self-isolation and self- quarantine requirements in: **Emergency Court Protocol No. 1**, Precautionary Measures for Operating Courthouses and Other Judicial Buildings.

6. If I have contact with a household member or visitor who travels back into the state, am I required to self-isolate?

- Judicial employees and judicial officers who **are** two weeks past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources, and who have contact with a household member or visitor who travels into the state is not required to self-isolate.
- Yes, if you **are not** two weeks beyond your second Moderna or Pfizer vaccination, or your first Johnson and Johnson vaccination, as confirmed and verified by human resources, and unless provided for in the below exception.
  - The judicial employee or judicial officer who is not two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, and has contact with a person, including a household member, who arrives in New Mexico from out-of-state or international location, shall engage in a ten (10) day period of self-isolation from the date of contact with the person before returning to the workplace, or
  - May return to work after a seven (7) day self-isolation if the judicial officer or judicial employee takes a test for the coronavirus (COVID-19) five (5) days after contact with the person who traveled into New Mexico, receives a negative test result, and can pass the daily screening questions.
  - The judicial employee or judicial officer must inform their supervisor, CEO, **and chief judge, administrative authority or designee prior** to

the household member's out-of-state travel.
    - Any judicial employee engaged in a period of self-isolation required under these FAQs or Supreme Court Orders due to out-of-state travel (unless provided for in an exception), should be allowed to telework for the required ten (10) day self-isolation, or may take accrued leave.
    - Exception - there is no required self-isolation period if the travel for the judicial employee's or judicial officer's household member is required due to their employment.

7. **Is there a specific form the court should use to submit judicial employee or judicial officer travel notifications?**
    - No.
    - There is not a specific form, however, it is recommended the court create and use a form for consistency.
8. **Can individuals, who engage in international travel, enter a courthouse?**
    - Under the Emergency Court Protocols, any person, other than a judicial officer or judicial employee, who engages in or returns from international travel may enter a courthouse to appear pursuant to a court order, provided that the person successfully passes all other safety and public health screenings required by the court and otherwise complies with all other applicable directives from public health authorities. See Emergency Court Protocol No. 1, Section B(3).
    - If not pursuant to a lawful court order, then the individual would be required to self-isolate as outlined in the Supreme Court Order and Protocol or these FAQs.

Required Regular Testing for Unvaccinated Judicial Officers and Judicial Employees

- Effective August 9, 2021, any judicial officer or judicial employee who is not fully vaccinated as defined in these FAQs, and regardless of work location, shall be required to provide ***Proof of COVID-19*** test every seven (7) days unless and until that judicial officer or judicial employee becomes fully vaccinated.
- Judicial officers and judicial employees who are not fully vaccinated and are out on approved leave for 7 or more consecutive calendar days do not have to test while out on leave, provided they have informed their Human Resources Professional. Immediately upon their return from leave the employee, whether teleworking or working in the judicial building, must provide a negative testto their Human Resources Professional, and no later than noon every Monday thereafter, unless or until they become fully vaccinated.
- Judicial officers and judicial employees must test weekly, and must provide their test results to their local Human Resources Professional **no later than noon on the Monday of each week**, (even if the Monday falls on a holiday) unless and until

they become fully vaccinated, as defined in these FAQs; the first test results must be submitted no later than noon on Monday, **August 16, 2021,** and every seven (7) days thereafter.

- The judicial officers and judicial employees may continue working and enter the courthouse or facility while awaiting test results under this provision and provided they can pass the daily screening questions.
- A judicial entity's Human Resources Professional will reconcile **each Monday the test results they did not receive and notify the Administrative Authority of those employees who did not comply with the mandatory testing requirements**.
- A judicial officer or judicial employee **who do not comply** with the mandatory testing requirements each workweek **shall not enter the court facility** or building the following week until the requirements are met, and will be subject to corrective action up to and including termination.
- Judicial employees required to test under this subsection shall be granted thirty (30) minutes of administrative leave to take the weekly test, **provided** the test is taken during a judicial employee's regular work schedule.
- The use of the paid thirty (30) minutes administrative leave shall not, in any event, cause an employee to have extra hours worked or result in overtime.
- If an employee tests outside of their regular work schedule, or at their home, (e.g. with a Vault home test), they will do so on their own time and are not eligible for administrative leave or paid time.
- To ensure the operational needs of the judicial entity are met, management may determine the testing time during which an employee may be absent from the workplace.
- Any judicial officer or judicial employee who refuses to submit to weekly testing under this subsection shall **not be permitted to enter any courthouse or other judicial building and shall not be permitted to telework.**

Proof of COVID-19 Test: An official dated result of a viral test (antigen or polymerase chain reaction (PCR)) for COVID-19 from Vault Health or an authorized COVID-19 testing site. (An antibody test does not meet this definition).

Required corrective action for failing to comply with regular testing requirements:

- Any judicial officer or judicial employee who do not comply with the testing requirements shall be subject to the following corrective actions:
  - **A judicial officer or judicial employee** who is not fully vaccinated and who does not complete the required coronavirus (COVID-19) test and provide the test results as required by Supreme Court Order, and outlined above will have

five (5) working days to test and provide the test result. **The judicial employee** will be required to use their own accrued annual or personal leave until the test results have been provided to their Human Resources Professional.

- ***A judicial employee*** who, for a second time, does not complete the required COVID-19 test and provide the test results as required by Supreme Court Order, and outlined above will be placed on unpaid Absence Without Leave, or AWOL, and be given five (5) working days to test and provide the test result.
- ***A judicial officer*** who, for a second time, or any subsequent times, does not complete the required COVID-19 test and provide the test results as required by Supreme Court Order, must be reported to the Supreme Court and to AOC HRD by the judicial entity's Human Resources Professional.
- ***A judicial employee*** who, for the third time, does not complete the required COVID-19 test and provide the test result as required pursuant to the Supreme Court Order and above, will be terminated immediately or as soon as administratively feasible pursuant to the NMJBPR Section 9.05 for non-probationary classified employees, and Section 18.08 for probationary and at-will employees.

1. If I receive a positive COVID-19 test result from my weekly testing, do I need to submit weekly tests during my fourteen (14) day required self-isolation?

- No.
- An employee who receives a positive test from their weekly test should resume required weekly testing the first Monday following the completion of their fourteen (14) day self-isolation.

2. What if I continue to test positive for the COVID-19 following my fourteen (14) day required self-isolation? Do I continue to do weekly testing? When can I return into the workplace?

- An unvaccinated or not fully vaccinated judicial officer or judicial employee who tested positive for the COVID-19 must resume weekly testing and provide test results on the first Monday following their fourteen (14) day self-isolation,
- Must be able to pass the daily screening questions, and
- Receive weekly written approval by the chief judge, administrative authority or designee to reenter the workplace using the ***NMJB ERT form Returning to Work for those who have had COVID-19, until they no longer test positive.***
- Please note the Self-Certification in the form requires confirmation that the person is symptom-free and that they have been advised by the NM DOH that they may return to activities. This requirement applies to employees who are teleworking as well.

3. **Are there any exceptional or extenuating circumstances for late test results due to circumstances beyond a judicial employee's or judicial officer's control? For example, the testing center has unusual delays but the employee can demonstrate they tested timely?**
    - An exception based on the employee meeting the following highly specific conditions may be approved by the chief judge, administrative authority or designee:
        - The employee took a COVID-19 test within a *reasonable* time prior to the Monday-noon deadline, and *reasonable* as demonstrated by their ability to receive timely results on that same testing date in the past,
        - That the testing center faced unusual delays or some other circumstance beyond the employee's reasonable control, **and**
        - If the employee experienced a delay in receiving their test results, they agree to schedule subsequent tests earlier in the week to ensure they meet the Monday-noon deadline in the future.
        - Employees who are approved an exception based on satisfying all of the above criteria will not have the late test result held against them, and may continue working in the court or facility.

Falsification of Vaccination Card or COVID-19 Test Results:

- A judicial employee who falsifies or knowingly provides a falsified vaccination record or documentation, or who falsifies or knowingly provides falsified COVID-19 test results will be subject to immediate termination pursuant to the New Mexico Judicial Branch Personnel Rules.
- Any judicial officer who falsifies or knowingly provides a falsified vaccination record or documentation, or who falsifies or knowingly provides falsified COVID-19 test results shall be immediately reported to the Supreme Court and the Supreme Court ERT, and to the JSC.

Vaccination Requirements for New Employees

- As a condition of employment, all judicial employees hired or rehired by the New Mexico Judiciary on or after August 16, 2021, shall be fully vaccinated, as defined in these FAQs, ~~vaccinated (as defined herein, and meaning two weeks, past their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed and verified by human resources)~~ before their first day of employment, or no later than 30-days following their start date, and provided they

follow all protocols for unvaccinated employees.

- A judicial officer or judicial employee is considered fully vaccinated when they are two weeks beyond their second Moderna or Pfizer vaccination or have received their Johnson and Johnson vaccination, and if eligible, must have received their COVID-19 Booster, as confirmed by submission or presentation of the judicial officer's or employee's vaccination card to human resources.
- In order to maintain a status of being fully vaccinated, judicial officers and judicial employees must receive their booster shot no later than January 1, 2022, or no later than 90-days from the Johnson and Johnson vaccine, or no later than 210 days (6 months + 30-days) from the completion of the Pfizer or Moderna vaccine series.
- All judicial entities shall include the mandatory vaccination requirement in this subsection in postings for all new job openings. Job openings will include language informing prospective applicants that the New Mexico Judicial Branch is requiring full vaccination status as a condition of employment.
- Requests for an accommodation should be discussed with AOC HRD.
- Judicial employees promoted, or hired into a different judicial entity are not considered newly hired by the judiciary, and if not fully vaccinated, fall under the weekly testing requirement outlined in these FAQs.
- All offer letters provided to judicial employees hired on or after August 16, 2021, must include the stipulation that they be fully vaccinated prior to their first day of employment or no later than 30-days following their start date. Should an employee not comply, and provided there is not an accommodation in place or being discussed, the employee is to be separated from employment. Please work with AOC HRD should these issues arise.

Vaccination for Coronavirus (COVID-19)

1. **What guidance does the ERT have to judicial entities on the coronavirus (COVID-19) vaccination distribution?**
   - The following website allows judicial officers and employees to pre-register for the vaccination: https://cvvaccine.nmhealth.org/.
   - Contractors who work inside a court or judicial facility may select "court personnel" when pre-registering for the vaccination.
   - ~~Family members may pre-register as well, though dependents under the age of 18 may encounter difficulties pre-registering.~~
   - Chief judges, administrative authority or designee are encouraged to be in touch with local health officials responsible for vaccination distribution.
   - However, please **do not try to "jump the line"** or get in front of those in other phases or groups eligible for vaccination, e.g., health care providers. When

vaccinations are available for the court personnel category, the ERT recommends that judicial entities **prioritize frontline court personnel.**

- Judicial officers and employees who receive the vaccination during working hours may use the COVID-Activities time reporting code in SHARE.

2. Are vaccinations mandatory for judicial officers or employees?

- Yes, for all judicial employees hired by the New Judiciary on or after August 16, 2021.
- There is currently no policy mandating vaccinations for those judicial employees hired before August 16, 2021; however, judicial officers and employees not vaccinated will be subject to weekly testing.

3. Do I need to report judicial officers and judicial employees who receive the vaccination, or the booster?

- Yes.
- Please report any judicial officers or employees who receive the vaccination to AOCHRD at aochrd-grp@nmcourts.gov. The ERT will be tracking and monitoring the judiciary's vaccination progress.
- A judicial officer or judicial employee's vaccination status, but not the actual proof of the COVID-19 vaccination, can be shared with the employee's supervisor to determine compliance with the Supreme Court Orders, Protocol, and these FAQs. Management should treat a judicial officer or judicial employee's vaccination status as confidential, and on a need to know basis to ensure compliance.

4. What if someone who gets the vaccination becomes symptomatic?

- Judicial officers and employees should continue to follow the Supreme Court Emergency Court Protocols and FAQs, and test and self-isolate if they experience the identified COVID-19 symptoms even if they have received the vaccination.

5. Will I need the coronavirus (COVID-19) vaccination even if I'm not in a high-risk group?

- The NMDOH website states: Yes. While many people with the COVID-19 have only a mild illness, others may get a severe case. There is no way to know in advance how COVID-19 will affect you, even if you are not at an increased risk of severe compilation. The COVID-19 vaccination helps protect you by creating an antibody response without having to experience sickness. The sooner most people are vaccinated and protected against COVID-19 disease, the sooner New Mexicans and all Americans can get back to normal life.

[https://cv.nmhealth.org/covid-vaccine/]

6. **When can I get a coronavirus (COVID-19) booster?**
   - At least two (2) months after the Johnson and Johnson vaccine, or at least six (6) months after the completion of the Pfizer or Moderna vaccine series. ~~your original vaccination, pre the recommendation. With the FDA authorization and official CDC recommendation, most pharmacies, clinics and doctor's offices should be able to give out boosters.~~

7. **Do I need to have a coronavirus (COVID-19) booster shot in order to be fully vaccinated?**
   - **Yes. On January 1, 2022, the COVID-19 booster shot will be required in order for a judicial officer or judicial employee to be considered fully vaccinated** ~~s are strongly recommended for recipients of the Moderna, Pfizer, or Johnson and Johnson vaccination but at this time are not required in order to be considered fully vaccinated~~**.**

Questions on pre-registration or vaccinations or boosters may be directed to the NMDOH at 1-833-551-0518.

Vendors & Essential Business Services

1. **The court has vendors who reside out-of-state, or who provide supplies from out-of-state. Is this still acceptable?**
   - Unless the vendor provides "essential business" services, a vendor who travels to New Mexico from another state to provide you supplies are not allowed in the court or judicial facility until they have been self-isolated for ten (10) days upon entry into New Mexico.
   - If the vendor provides "essential business services" as defined by the applicable public health order, then a self-isolation period is not required.

Visitation

Supreme Court Order No. 20-8500-009

Supreme Court Order No. 20-8500-014

- The district court may exercise its discretion to allow in-person visitation between children and respondents upon the recommendation of CYFD and a showing by clear and convincing evidence that measures are taken with

respect to the in-person visitation to ensure the safety and well-being of the children during the current public health emergency. For in-person and remote proceedings, please refer to: **Remote Proceedings.**

Volunteers

- Volunteers may be allowed in court facilities during this public health emergency.
- Any volunteer who is not fully vaccinated is required to provide **Proof of COVID-19 Test** no later than the Tuesday of each week they are working with any judicial entity, and must provide the test results to their judicial entity's Human Resources Professional no later than Monday at noon each week.
- Testing shall be a condition of contend work in the judicial entity and is not compensable. Testing shall be performed by an approved NMDOH test sit or test.
- Volunteers may submit their vaccination card to the judicial entity Human Resources Professional.
- Please have volunteers or unpaid interns/externs complete the **NMJB Volunteer Form**.

RESOURCES:

SUPREME COURT ORDERS

1. Supreme Court Order No. 20-8500-002 Precautionary Measures for Court Operations in the New Mexico Judiciary during the COVID-19 Public Health Emergency.
2. Supreme Court Order No. 20-8500-003 Out-of-State Travel by Judicial Officers and Employees of the New Mexico Judiciary during the COVID-19 Public Health Emergency.
3. Supreme Court Order No. 20-8500-004 Temporary Case Management protocols for Children's Court Cases in the New Mexico Judiciary during the COVID-19 Public Health Emergency.
4. Supreme Court Order No. 20-8500-005 Additional Time to Pay Fines and Fees during the COVID-19 Public Health Emergency.
5. Supreme Court Order No. 20-8500-006 Additional Precautionary Measures for Court Operations in the New Mexico Judiciary During the COVID-19 Public Health Emergency.
6. Supreme Court Order No. 20-8500-007 Stay of Writs of Restitution Issued Under the Uniform Owner-Resident Relations Act During the COVID-19 Public Health Emergency.
7. Supreme Court Order No. 20-8500-008 Stay of Writs of Restitution Issued Under the Mobile Home Park Act During the COVID-19 Public Health Emergency.
8. Supreme Court Order No. 20-8500-009 Stay of All Court Orders Requiring In-Person Visits Between Children in Custody of the New Mexico Children, Youth and Families Department and Respondents under the Abuse and Neglect Act.
9. Supreme Court Order No. 20-8500-010 Amended Deadlines Under Rules 24-101 and 18-301 NMRA For the New Mexico Bar Dues and MCLE Delinquency and Administrative Suspension Processes During the COVID-19 Public Health Emergency.
10. Supreme Court Order No. 20-8500-014 - Extension of the Stay of All Court Orders Requiring In-Person Visits Between Children in Custody of the New Mexico Children, Youth and Families Department and Respondents Under the Abuse and Neglect Act

11. Supreme Court Order No. 20-8500-015 – The Administration of the Bar Examination by the New Mexico Board of Bar Examiners During the COVID-19 Public Health Emergency

12. Supreme Court Order 20-8500-016 - Continuity of Court Operations During the COVID-19 Public Health Emergency

13. Supreme Court Order 20-8500-019 – Extending the Time to Pay Certain Fines and Fees During the COVID-19 Public Health Emergency

14. Supreme Court Order 20-8500-021 – The Stay of Issuance of Writs of Garnishment and Writs of Execution in Consumer Debt Collection Cases During the COVID-19 Public Health Emergency

15. Supreme Court Order 20-8500-024 – Discontinuing Use of CourtCall and Similar Services for All Court Proceedings

16. Supreme Court Order 20-8500-034 - Continuity of Court Operations During the COVID-19 Public Health Emergency

17. Supreme Court Order 20-8500-041 – CYFD Visitation Orders During PHE

18. Supreme Court Order 21-8500-015 - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols

19. Supreme Court Order 21-8500-020 - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols

20. Supreme Court Order 21-8500-021 - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols

21. Supreme Court Order 21-8500-024 - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols

APPENDIX A

Definitions

Approved DOH COVID-19 Test:
DOH approved tests include home test kits mailed to a judicial officer or employee from an approved provider sponsored or in coordination with the DOH. Approved site locations in this context include the judicial officer or employee's residence. We have been told the home test kits have a shelf life of approximately 12-months.

Contact:
Contact is defined as an exposure of three minutes or longer within six (6) feet, with a mask. The NMJB does not distinguish between "contact" and "close contact".

- Contact for a fully vaccinated employee or judicial officer means being less than a minimum of six (6) feet from a member of the public, including a juror or witness, or judicial employee or judicial officer who are not fully vaccinated.

Contractor:
Someone who will enter the court or court building, or has in-person meetings with court staff at any point during their contract, and does not include contactors who work exclusively out of state.

Essential Medical Treatment:
Essential medical treatment includes:

- Routine medical services in response to a complaint or condition identified by the employee or their health care provider,
- Preventative care, including the coronavirus (COVID-19) vaccination, and screening services, and
- Does not include elective treatment or procedures.
- Non-essential health care services, procedures, and surgeries include those, which can be delayed for three months without undue risk to patient health.

Face Coverings:
Face Coverings include all masks that cover the nose and mouth. Plastic face shields are not a substitute for a mask but may be worn in addition to the face covering.

Fully Vaccinated:
A judicial officer or judicial employee is considered fully vaccinated when they are two weeks beyond their second Moderna or Pfizer vaccination or have received their Johnson and Johnson vaccination, and if eligible, must have received their COVID-19 Booster, as confirmed by submission or presentation of the judicial officer's or employee's vaccination

card to human resources. In order to maintain a status of being fully vaccinated, judicial officers and judicial employees must receive their booster shot no later than January 1, 2022, or no later than 90-days from the Johnson and Johnson vaccine, or no later than 210 days (6 months + 30-days) from the completion of the Pfizer or Moderna vaccine series.

~~A judicial officer or employee is considered fully vaccinated when they are two weeks beyond their second Moderna or Pfizer vaccination, or their first Johnson and Johnson vaccination, as confirmed by submission or presentation of the judicial officer's or employee's vaccination card to human resources.~~

Proof of COVID-19 Test:

An official dated result of a viral test (antigen or polymerase chain reaction (PCR)) for COVID-19 from Vault Health or an authorized COVID-19 testing site. (An antibody test does not meet this definition).

Self-Isolation:

A person self-isolating may only leave a residence or place of lodging to receive medical care and should not allow others into the residence or place of lodging except for those providing medical care, emergency response, or other individuals designated by the NMDOH.