

# New Mexico Judicial Branch



*Photo by Senior Justice C. Shannon Bacon*

## **Workplace Safety COVID-19 Frequently Asked Questions (FAQs) and Quick Guide: A resource for Judges, CEOs, and Employees**

**Revised: April 25, 2022**

### **WORKPLACE SAFETY COVID-19 RESOURCES GUIDE**

The New Mexico Judicial Branch is committed to the health and safety of New Mexicans during the COVID-19 pandemic. This Workplace Safety COVID-19 Guide is to provide guidance and direction in conjunction with the NMJB Supreme Court Orders and Protocols. The information contained in this document applies to all employees and judicial officers and is subject to change as scientific information and understanding of the COVID-19 changes.

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***This document will be updated as new information becomes available***



*Photo by Justice Judith K. Nakamura*

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## Judicial Officers & Judicial Employees Workplace Safety COVID-19 Quick Guide

Current Protocols	Fully Vaccinated	Unvaccinated
<b>Mask Wearing Requirement</b>		
<b>When working with a member of the public</b>		Required
<b>When in a courtroom with a member of the public</b>		Required
<b>When working in the court or facility without a member of the public present</b>	NOT Required	
<b>Daily Health Check Requirement – Daily Screening</b>	Required	
<b>Requirements for Physical Distancing (minimum of 3-feet)</b>	Required	
<b>Stay Home if You Feel Sick Guidance</b>		
	Test	Required
<b>Negative Test Taken While No Longer Symptomatic</b>	Return to workplace	Self-isolate for 7 days
<b>Negative Test Taken While Symptomatic</b>	Return to workplace after symptoms have subsided 7-day self-isolation from the date the positive test was taken	
<b>Positive Test</b>		
<b>Reporting of household members</b>		
<b>Household Member Potential</b>	No requirement unless the household member tests positive	Self-isolate for 7 days & Immediately Test
<b>Household Member Positive</b>	Self-isolate & test on or after day 5 following the date of the test that confirmed the household member was positive, & may return to the workplace after a minimum of five (5) days with a negative	
<b>Testing Requirement</b>		
<b>Weekly (by noon each Monday)</b>	NOT Required	Required
<b>Symptoms</b>		Required
<b>Contact with Potential</b>	NOT Required	Required
<b>Contact with Positive</b>		Required
<b>Reporting Requirement</b>		
<b>Reporting Symptoms</b>	Due to ERT immediately or within 24-hours of notification	
<b>Reporting Contact with Potential</b>	NOT Required	Required
<b>Reporting Contact with Positive</b>	Due to ERT immediately or within 24-hours of notification	
<b>Reporting Positive</b>	Due to ERT within 2-hours Due to OSHA within 4-hours	
<b>Close Contact Quarantine and Testing Requirements (regardless of telework status)</b>		
<b>Contact with a potential</b>	NOT Required	Test & self-isolate for 7 days from date last contact. If contact is with symptomatic person who receives a negative test while symptomatic, immediately return to the workplace.
<b>Contact with a positive</b>	Self isolate 7 days & test on or after day 5	
<b>Travel Restrictions</b>		
	None	None
<b>Events &amp; Gatherings Limitations</b>		
	Follow existing protocols: 3 feet physical distance & masking requirements while on judicial property with members of the public present.	

# Checklists

## COVID-19 Potential or Confirmed Case - Initial Report Checklist

Initial Report Checklist for a potential or confirmed COVID-19 case is due to the Supreme Court's Emergency Response Team (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 (CEO), 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.

## COVID-19 Potential or Confirmed Case - Initial Report Checklist

### Court Visitor Checklist

## Health and Safety Guidelines

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. For workplace safety, all courts and facilities should promote a hygienic and healthy workplace for employees and the public.

In addition to wearing a face covering while assisting members of the public, and ensuring a minimum physical distance of three (3) feet from one another, all judicial employees, judicial officers, contractors, vendors, and volunteers must:

- Frequently wash their hands for at least 20 seconds with soap and water, or use hand sanitizer when unable to wash their hands.
- Avoid touching their eyes, nose, and mouth with unwashed hands.
- Cover their coughs and sneezes with a tissue.
- If they are sick, stay home until your symptoms are gone.
- Clean and sanitize workspaces and frequently touched surfaces.

**Air Filtration:** When indoors, ventilation mitigation strategies can help reduce viral particle concentration. The lower the concentration, the less likely viral particles can be inhaled into the lungs (potentially lowering the inhaled dose); contact eyes, nose, and mouth; or fall out of the air to accumulate on surfaces." Therefore, the CDC recommends using "multiple mitigation strategies, including improvement to ventilation, to reduce the spread of disease and lower the risk of exposure."

<https://www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html>

## Judiciary Contractors who regularly work in a Court or Facility on a Regular Basis

**Applicability:** For purposes of the COVID-19 screening and reporting requirements in this Guide, contractors include non-employees who regularly perform work in a courthouse or facility pursuant to a formal contract with a Judicial Entity. The term “contractor” does not include contract attorneys who participate in court hearings, but do perform other regular non-courtroom work in a court facility.

**Symptoms:** Regardless of vaccination status, 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 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:** Contractors, regardless of vaccination status, who enter the court, facility or judicial property must report if they have a household member or a visitor staying in their household who is experiencing COVID-19 symptoms, or if they have had contact with a potential COVID-19 case in the past seven ( 7) days, and may only enter the court, facility or judicial property after:

- Self-isolating for a minimum of five (5) days,
- Testing on day five (5) following the visitor or household member’s positive test, and receiving a negative test result, and
- Area able to pass the daily screening questions.

The CEO, or designee must follow all reporting requirements, including the submission 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: [COVID-19 – Exposure or Contact with Potential Positive Case](#).

## Proof of Vaccination and Regular Testing of Unvaccinated Contractors including Judges Pro Tem

- Contractors, including judges pro tem, must either show proof of vaccination to their NMJB Program Manager or complete the **SC ERT Contractor and pro Tem Vaccination and COVID-19 Test Attestation Form** attesting their vaccination status.
- Unvaccinated contractors, including judges pro tem are required to take a COVID-19 test weekly and 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 the vaccination card or test results is required, though a Program Manager may, after consulting with their Administrative Authority, ask for a copy of the

test results.

- 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.
- Time and expenses associated with testing are not compensable.
- Testing shall be performed by an approved NMDOH test site or test.

## Court Filings

### 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 absent direct approval by the Chief Justice to close or alter business hours.
- 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.
- The onsite performance of job duties is the presumptive working arrangement for all judicial officers and employees.

## COVID-19 Symptoms & Testing

Judicial employees and judicial officers, working on site **regardless of vaccination status**; shall notify their supervisor or manager immediately and **PRIOR to entering the workplace** if they are, or have in the past five (5) days been, 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, **who are not vaccinated**; must also report if they have a household member or a visitor staying in their household who is experiencing COVID-19 symptoms and follow the exposure or contact of a potential case below.
- The chief judge, administrative authority, or designee may authorize a judicial officer or judicial employee to telework during a self-isolation period to the extent the work can be performed remotely.
- Contact is defined as less than three (3) feet for more than three (3) minutes.
- The CEO or their designee **must immediately or within 24 hours** report the potential and negative COVID-19 case to the ERT using the electronic Google Form, and if a positive case **must submit to the ERT within two (2) hours and 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.

- If the judicial officer or employee had contact with other court staff, 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 must determine any employees or judicial officers that the potential positive employee came in contact within the preceding five (5) days.
- 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 five (5) days prior to first experiencing the COVID-19 symptoms. The onsite performance of job duties is the presumptive working arrangement for all judicial officers and employees.
- 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](#).

**1. SYMPTOMATIC: All judicial officers and judicial employees working on site and regardless of vaccination status, who are experiencing COVID-19 related symptoms must immediately:**

- Receive a COVID-19 approved test, (as defined in this Guide, see *Proof of COVID-19 Test*),
- Engage in a period of self-isolation, (as defined in this Guide), (duration outlined below and dependent upon whether testing occurs when the employee or judicial officer tests while symptomatic).

**2. NEGATIVE TEST WHILE SYMPTOMATIC:**

**If the employee or judicial officer, regardless of vaccination status, is tested while symptomatic, and the test is negative for the COVID-19, the employee may:**

- Return to work after the symptoms have subsided, and
- They are able to pass the daily screening questions.
  - ❖ The contacts reported by the symptomatic employee may also return to the workplace.

**3. NEGATIVE TEST WHILE ASYMPTOMATIC: If the employee or judicial officer is tested when they are no longer experiencing symptoms, or are asymptomatic, and the test is negative for the COVID-19 the employee must:**

- Unvaccinated:
  - ❖ Self-isolate for seven (7) **days** following the onset of the symptoms, and may return to the workplace when able to pass the daily screening questions.
- Vaccinated:
  - ❖ If the employee or judicial officer who is fully vaccinated is tested when they are no longer experiencing symptoms, the employee or judicial officer may return to the workplace when able to pass the daily screening questions.

**4. POSITIVE TEST WHILE SYMPTOMATIC OR ASYMPTOMATIC: If the 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** and to the NMED Rapid Response Team within **four (4) hours of learning of the positive case**.
- The employee or judicial officer must:
  - ❖ Self-isolate for seven (7) days from the date the positive test was taken, and not return to the workplace until they are able to pass the daily screening questions.
  - ❖ Employees or judicial officers may be released back to work activities, though they may continue to test positive for a few weeks.
  - ❖ A judicial officer or employee who tests positive, has self-isolated for seven (7) days as confirmed by the judicial entity's HR Professional, and is *unable* to pass the daily screening questions may be approved by the chief judge, administrative authority, or designee to return back into the court or facility. If chronic post-COVID-19 symptoms persist, management may request a doctor's note.

## **COVID-19 – EXPOSURE OR CONTACT WITH A POTENTIAL OR CONFIRMED POSITIVE CASE**

### **Confirmed Positive COVID-19 Case**

If an employee or judicial officer, regardless of vaccination status, has contact with a **confirmed positive** COVID-19 case, the employee or judicial officer must begin self-isolation of seven (7) days, from the date of the contact's positive test, and test on or after day 5 following **the date of the test that confirmed the person was positive**.

- If the date of the confirmed positive test is within 5 days following the date of contact, a fully vaccinated employee or judicial officer must self-isolate and test on or after day 5 following the date of contact.

The test shall be a COVID-19 approved test, (as defined in this Guide, see *Proof of COVID-19 Test*). The CEO, or designee must report the contact using the electronic Google Form.

- If the judicial officer or employee, regardless of vaccination status, and has a household member or someone for whom they provide regular care with a confirmed positive COVID-19 case, the employee or judicial officer must self-isolate and test on or after day 5 following the date of the test that confirmed the household member was positive, and may return to the workplace after a minimum of seven (7) days with a negative test.
- The CEO or designee must report if a judicial officer or employee lives with or cares for someone with a confirmed positive COVID-19 case, using the electronic Google Form.

#### **1. What self-isolation period is required for an employee or judicial officer who tests positive, and then has a household member test positive?**

An additional self-isolation period is not required if the household member tests positive within 30-days following the judicial officer or judicial employee's positive test. .

## Potential COVID-19 Case

The CEO, or designee must report if contact occurs between a potential COVID-19 infected 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, regardless of vaccination status.

**1. An employee or judicial officer who is not fully vaccinated has contact with someone who is a potential COVID-19 case must do the following, unless as provided for in the exception outlined above:**

- Immediately self-isolate for seven (7) calendar days from the last date of contact and exposure from that person (e.g., if five (5) days have passed since the employee or judicial officer last had contact or exposure to the possible positive case, then the self-isolation would be for two (2) days, to equal a total of seven (7) days since last contact or exposure **unless**:
  - ❖ **If the exposure or contact is with a symptomatic person** who receives a negative 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** take a COVID-19 approved test, (as defined in this Guide, see Proof of COVID-19 Test) **Cross-Tracing and Contact:** Management must identify all unvaccinated judicial employees or judicial officers in contact with the possible positive judicial employee within the **preceding seven (7) 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 three (3) feet for more than three (3) minutes). If the judicial employee or judicial officer is fully vaccinated they may remain in the workplace unless or until the potential case is determined a confirmed positive.
  - ❖ The judicial officer or judicial employee must report if they begin experiencing 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 seven (7) days**.
  - ❖ **If a judicial employee or judicial officer has a positive or pending COVID-19 contact case within their household, 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 COVID-19 case:**

- A judicial employee or judicial officer who **is fully vaccinated** and has a potential 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

COVID-19 case within their household, the judicial employee should begin self-isolation of seven (7) days, and **must** immediately be tested. (See definitions for **Proof of COVID-19 Test**).

- ❖ If the test results of the contact (the person the household member came in contact with) cannot be obtained, the judicial employee or judicial officer should self-isolate for the full seven (7) days.

**3. If the household member works in the medical field with COVID-19 patients?**

- A household member who works in the medical field with a 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 COVID-19 symptoms the judicial employee or judicial officer must take a COVID-19 approved test, (as defined in this Guide, see Proof of COVID-19 Test) , and begin the seven (7) day period of self-isolation.
- However, if the household member is confirmed positive with the COVID-19, the judicial employee or judicial officer must take a COVID-19 approved test, (as defined in this Guide, see Proof of COVID-19 Test), and begin the seven (7) **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 three (3) feet from a potential or confirmed positive case of the 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 COVID-19 case; or have been in contact with any secretion of a COVID-19 infected person (e.g., being coughed on).
- All employees regardless of vaccination status must maintain a minimum three ( 3) foot physical distancing at all times

**5. When does a negative COVID-19 test replace the seven (7) day self-isolation period?**

- If a judicial employee or judicial officer is symptomatic, experiencing 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 the symptoms have subsided, and provided they are able to pass the daily screening questions.
- A judicial employee or judicial officer who is not exhibiting COVID-19 symptoms but has had exposure to a positive case **MUST** self-isolate for seven (7) days, and a negative test is not a substitute for the self-isolation (because the judicial employee or judicial officer was tested while asymptomatic).

## 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.

## 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, of all 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 answers “yes” to any of the required screening questions located on the [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 before reporting to work.**
- **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, the judicial employee’s supervisor or non-Human Resources personnel shall not review daily screening responses.**
- **The local judicial entity’s Human Resources Professional must confirm that all employees and judicial officers are answering the questions daily.**
- **The following exception to using the Supreme Court ERT Google Form before 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 masks while working with the public and maintaining safe physical distancing of three (3) feet or more, **and**

- 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 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 obtain a COVID-19 approved test, (as defined in this Guide, see Proof of COVID-19 Test) and disclose the results of the test to the chief judge, administrative authority, or designee.
  - Engage in a seven (7) 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 COVID-19 test must be a COVID-19 approved test, (as defined in this Guide, see Proof of COVID-19 Test), 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 the following situation:**
    - 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 judge, administrative authority, or designee should be very cautious about allowing entry based on a symptom being chronic.
- **A judge shall instruct all individuals appearing, advocating, or ordered to be in a courtroom or jury assembly area, that they must be prepared to pass the screening questions upon entry. If a person does not think they will pass the**

**screening questions, they must ask the Chief Judge for a waiver and present a negative PCR test result 72 hours before their appearance, and test every 7 days thereafter.**

## 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 five (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 three (3) 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.

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*This document will be updated as new information becomes available*

- 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:

- 
- Answers “yes” to any of the required screening questions located on the [COVID-19 Information web page](#).

**A judge shall instruct all individuals appearing, advocating, or ordered to be in a courtroom or jury assembly area, that they must be prepared to pass the screening questions upon entry. If a person does not think they will pass the screening questions, they must ask the Chief Judge for a waiver and present a negative PCR test result 72 hours before their appearance, and test every 7 days thereafter.**

## Masks

### [Emergency Court Protocols](#)

### [Supreme Court Order No. 20-8500-016 NMDOH](#)

### [Guidance on Masks](#)

### [CDC Poster: Important Information about your mask](#)

Effective March 21, 2022, all judicial officers and judicial employees do not have to 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 except when assisting members of the public, including all courtroom proceedings.

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 while interacting with or assisting the public. *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 members of the public in a courtroom will continue to be required to maintain a three (3) 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);
- A mask containing a PM 2.5 filter between two layers of fabric;
- An N95,
- 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/nppt/usernotices/counterfeitResp.html>

All masks must comply with the following design requirements:

- 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.

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 has provided written verification from a health care provider not to wear a mask, and prior to not complying with the masking requirements, has discussed the issue with their local Human Resources Professional, and received written approval from

their chief judge, administrative authority or designee.

- The local Human Resources Professional will contact AOC HRD to discuss the issue **prior to approval being issued**; no medical or confidential information should be sent directly to the ERT;
- Anyone unconscious, incapacitated, or otherwise unable to remove a mask without assistance, or
- Anyone providing emergency response to a life-threatening circumstance.

#### **Are facemasks 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 this Guide.
- 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.

## **Gatherings / Physical Distancing**

- A work-related gathering that includes any of the following: judicial officers, employees, jurors, attorneys, litigants, the press, and/or the general public **must allow for the appropriate physical distancing of a minimum of three (3) feet in each direction.**
- **A work-related gathering are gatherings on judicial property or in a court vehicle.**
- Masks must be worn if members of the public will attend the gathering.

## **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

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Developed 4/28/20, Rvd 5/19/20, 7/28/20,08/18/20, 09/10/20, 9/14/20, 10/16/20; Combined with EE FAQs and Rvd: 11/5/20, 11/20/20, 12/4/20, 12/11/20, 1/15/21; 2/15/21; 2/26/21; 3/12/21; 4/13/21; 5/2021; 6/4/21; 6/29/21; 7/19/2021; 8/9/2021; 8/16/2021; 11/19/21; 12/10/21; 12/17/21; 1/18/22; 1/29/22; Formerly Titled COVID-19 FAQs; Name Change & Rvd 3/18/2022; **4/25/2022**

*This document will be updated as new information becomes available*

- 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 judge and judge’s staff who are in a courtroom together and conducting a hearing remotely proceed without wearing masks?**
    - Yes, as long as members of the public, attorneys, witnesses, and jurors are not present in the courtroom.

## Peremptory Excusals

### Emergency Court Protocols

- In Order No. 22-8500-003 (Amending Public Health Emergency Protocols Nos. 1 & 3), effective January 18, 2022, the suspension of peremptory excusals under Rule 5-106 NMRA was reinstated for criminal cases in district courts until January 18, 2023, to streamline the processing of criminal cases.
- In Order No. 22-8500-007, In the Matter of the Suspension of Peremptory Excusals in Criminal Cases in the District Courts, Metropolitan Court, and Magistrate Courts to Streamline the Processing of Criminal Cases During the COVID-19 Public Health Emergency, the suspension of the exercise of peremptory excusals under rules 5-106, 10-162, and LR2-308(E) NMRA was reinstated for criminal cases ***in the district courts*** effective *nunc pro tunc* January 18, 2022, and shall remain in place for one year, to be lifted **January 18, 2023**; and the suspension of the exercise of peremptory excusals ***in metropolitan court and the magistrate courts*** under Rules 6-106 and 7-106 NMRA shall be reinstated for criminal cases in those courts effective February 1, 2022, and shall remain in place for one year, to be lifted **February 1, 2023**.

- During the suspension of the exercise of peremptory excusals under Rules 5-106, 6-106, 7-106, 10-162, and LR2-308(E) NMRA, if a party to a criminal case in the district court believes the presiding judge should be excused for cause, that party may submit a written petition to the Chief Justice of the Supreme Court, requesting that the Chief Justice effect the excusal.

## 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](#)

## 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 presiding 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 (traffic cases are the exception);
  - 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.

## Supreme Court Orders

[NMJB Supreme Court Orders related to the COVID-19](#) [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.

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*This document will be updated as new information becomes available*

Judicial employees and judicial officers should have returned 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.

Approval to telework due to the COVID-19 is at the discretion of the chief judge, administrative authority, or designee in each judicial district based on individual circumstances and is separate from the non-emergency telework policy [titled Telework and Alternative Work Location Policy #2021.NMJB.200].

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 Human Resources Professional to discuss any concerns.

## 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 this Guide, and regardless of work location, shall be required to provide **Proof of COVID-19** (see definitions for **Proof of COVID-19 Test**) 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 test to 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 this Guide; 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 does 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.**

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

- Any judicial officer or judicial employee who does 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 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 seven (7) 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 seven (7) day self-isolation.

**2. What if I continue to test positive for the COVID-19 following my seven (7) day required self-isolation? Do I continue to do weekly testing?**

- 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 seven (7) day self-isolation, and

- Must be able to pass the daily screening questions.

### 3. When can I return to the workplace?

- A judicial officer or judicial employee who tests positive, has self-isolated for seven (7) days as confirmed by the judicial entity's HR Professional, 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. If chronic post-COVID-19 symptoms persist management may request a doctor's note.
- If the judicial officer or judicial employee tests negative, but is still exhibiting symptoms, the judicial entity should require a release from their medical provider stating the judicial employee or judicial officer may return to the workplace.

### 4. Are there any exceptional or extenuating circumstances for late test results due to circumstances beyond a judicial employee's or judicial officer's control?

- 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, who certifies they are vaccinated, 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 this Guide, 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.

- 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 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 this Guide.
- All offer letters provided to judicial employees hired on or after August 16, 2021, must include the stipulation that they are 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.

**1. 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: [covidtest-grp@nmcourts.gov](mailto:covidtest-grp@nmcourts.gov). The ERT will be tracking and monitoring the judiciary's vaccination progress.

**2. Can a judicial officer or judicial employee's vaccination status be shared?**

- 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 this Guide. Management should treat a judicial officer or judicial employee's vaccination status as confidential, and on a need to know basis to ensure compliance.
- Please have volunteers and 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

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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
22. Supreme Court Order 22-8500-003 - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols
23. Supreme Court Order **22-8500-018** - Amendment of the New Mexico Judiciary Public Health Emergency Court Protocols

## APPENDIX A: Definitions

### Contact:

Contact is defined the same for vaccinated and unvaccinated judicial officers and employees, is an exposure of three minutes or longer within three (3) feet. The NMJB does not distinguish between “contact” and “close contact”.

### Fully Vaccinated:

- A judicial officer or 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 their HR Professional.
- A judicial officer or judicial employee will no longer be considered *fully vaccinated* if they are eligible for the booster and do not receive it within seven (7) calendar days from the date of eligibility, and must begin the weekly testing required for those who are not *fully vaccinated*.
- If a judicial officer or employee provides approved medical verification that they are not able to receive the booster, they must begin testing when they become eligible, based on the following timelines for when boosters can be given following a second shot.
- Eligibility for the booster is generally 60-days from the Johnson and Johnson vaccine, or 180-days from the completion of the Pfizer or Moderna vaccine series.
- Judicial officers and judicial employees should schedule their booster in advance so they can receive it as soon as they become eligible, and no later than seven (7) calendar days from the date they become eligible.
- A judicial officer or employee who is *fully vaccinated*, but unable to get the booster due to testing positive for the COVID-19, does not have to test weekly while they are ineligible for the booster (for the seven (7) day self-isolation period). However, as soon as the symptoms resolve, and no later than seven (7) days following eligibility (approximately 14-days from the date of the positive test), they must get the booster to remain in a *fully vaccinated* status. Failure to do so results in the weekly testing requirement.
- Booster vaccines are required for all judicial employees hired by the New Mexico Judiciary on or after January 1, 2022, or whose offer letter of employment is dated after December 10, 2021.

### 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, which includes a medical provider. An antibody test and an over-the-counter PCR test are not approved tests as it must be from an authorized COVID-19 testing site, approved by the DOH, reflect the date taken and the name of the person tested. Medical Providers in NM who administer COVID-19 tests with confirmation of the tester’s name and test date are approved by the NM DOH. A test taken in another state and approved by the NM DOH is considered an authorized test.

### Self-Isolation:

A person self-isolating should leave their residence or place of lodging only for essential reasons, and may not be in the physical presence of another judicial officer or employee.