



May 12, 2020

**Statement from the National Council of Juvenile and Family Court Judges
Regarding Safe Courts and Access to Justice During COVID-19**

For 83 years the National Council of Juvenile and Family Court Judges (NCJFCJ) has provided judicial officers, courts, and court-related agencies nationwide with the education, technical assistance, and research they need to improve the lives of those who seek fair, equal, effective and timely justice.

As the COVID-19 pandemic is changing the world, so is it changing the courts. Judicial officers, court staff, parties, subpoenaed witnesses, attorneys, and jurors must be healthy and safe in order for the courts to function. As trial court judges during this time of COVID-19, we have a responsibility to protect the health of those who enter our courthouses relying on our system of justice; to ensure they are safe and that our system remains fair.

We cannot ensure access to justice if we, people who work in the courts and people who appear in front of us, are ill or afraid coming to court will expose them to COVID-19. This is about community safety and access to justice, not politics. It is about ensuring a healthy and fair judicial system.

We, therefore, urge all court systems to adopt these protective guidelines:

1. No court should return to full operation until prevailing science and local health authorities say it is safe to do so.
2. Video and telephonic hearings should be encouraged whenever possible in the interest of justice so that all parties and witnesses can participate. Judicial officers and court staff should be trained and supported to conduct such hearings.
3. Courts are encouraged to enter stipulated orders without a hearing when counsel have signed written stipulations and waivers of the right to appeal.

4. Courts are encouraged to make information about how to access court remedies easily accessible to the public and stakeholders.
5. When any court re-opens, it should follow the Centers for Disease Control and Prevention (CDC) recommendations for distancing, including in elevators, wearing masks or other personal protective equipment, and regularly disinfecting all areas of the courthouse for all staff and the public. If local health requirements are more strict (which could be due, for example, to a location being an infection “hot spot”) courts should follow the more stringent rules.
6. Physical distancing measures should be in effect and enforced for the foreseeable future until testing has been deemed sufficient to allow contact tracing, or a vaccine has been developed, is available, and has been given to the requisite percentage of the population. This is the only way we will know whether someone entering our busy courthouses has the virus or has been exposed to it.
7. Courts and/or local officials should provide personal protective equipment, including but not limited to masks, gloves, and hand sanitizer, to judicial officers and court staff.
8. Criminal defendants, juvenile offenders, parents in dependency cases, parties, victims, witnesses, counsel, and jurors are ordered to appear in court. They cannot “opt-out.” Therefore, courts and/or local officials should provide personal protective equipment to anyone who enters a courthouse until they are deemed unnecessary by local health authorities.
9. Court dockets and schedules should be staggered or otherwise organized to minimize crowding (e.g., time certain case management).

The NCJFCJ continues to support judges and court professionals through this pandemic. We also seek to prepare the judicial system for what comes next, so courts can ensure the needs of children, families, and victims are met, and that access to fair, equal, effective, and timely justice remains our priority.



Hon. Ramona A. Gonzalez
President