

AMENDMENT 5
TENTH CIRCUIT PHASE 2 OPERATIONAL PLAN (COVID-19)

On August 24, 2020, the Court approved the *Tenth Circuit Phase 2 Operational Plan (COVID-19)* (hereinafter “Operational Plan”). The Court transitioned Hardee, Highlands, and Polk Counties to Phase 2 court operations on August 25, 2020, by entry of Administrative Order Number 1-57.0, *In Re: Phase 2 COVID-19 Emergency Court Operations Procedures*.¹ Thereafter, on September 22, 2020, the Court entered Amendment 1 to the Operational Plan requiring a plexiglass barrier or a clear face mask for persons testifying in a court proceeding. Thereafter, on December 10, 2020, the Court entered Amendment 2 to the Operational Plan which modified building partners and implemented a revaluation of the remote work of court employees. A third amendment was entered on December 22, 2020, amending the personal protective equipment provisions to prohibit the testifying witness from being permitted to remove a face mask during testimony but providing that a clear face mask may replace an opaque face mask for use during a person’s testimony. Most recently, on January 5, 2021, Amendment 4 was entered which canceled civil jury trials through January 15, 2021, provided for no jury trials for out-of-custody defendants, and limited jury trials for in-custody defendants.

As required by the Operational Plan, the Chief Judge reviews local public health data and conditions weekly to determine if a change to the Operational Plan or to the Court’s operations is necessary. A review of the current and previous week’s data for Highlands and Polk Counties, and a discussion with various justice partners, building partners, and community health experts necessitates the following changes to the Court’s Operational Plan for the week beginning January 17, 2021, and ending January 23, 2021:

Amendment to Operational Plan for week of January 17 – 23, 2021:

- There will be no jury trials in Polk or Highlands Counties; and
- There will be no in-person termination of parental rights trials in Polk County.

Changes to the Court’s Operations:

- Effective upon the signing of this Amendment, the Polk County Janet A. Essary Drug Court Lab (hereinafter “Lab”) will be closed until February 1, 2021.

This fifth amendment shall be effective on the date approved below. All other provisions of the Operational Plan, including previous amendments not modified herein, shall remain in full force and effect.

Approved on this 12th day of January, 2021.

s/ELLEN S. MASTERS, Chief Judge

¹ Administrative Order 1-57.0 was amended by Administrative Order 1-57.1 on September 22, 2020, and by Administrative Order 1-57.2 on October 7, 2020.