



# **SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**



## **COVID-19 GUIDELINES**

**Updated July 15, 2021**

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## **1. INTRODUCTION**

This document outlines practices and measures that Supreme Court attendees and Supreme Court staff members are expected to adhere to in light of the ongoing COVID-19 pandemic and the guidance provided by public health professionals. The document is updated frequently as new information becomes available.

This document was developed based upon the “COVID-19: Recommended Preventive Measures RESUMING COURT OPERATIONS IN WORK SITES” document produced by the Courts Administrative Services (CAS), dated May 28, 2020; the Government of Newfoundland and Labrador’s “Pandemic Recovery Readiness Guide”; and materials prepared by the Supreme Court of Nova Scotia. The Court wishes to acknowledge these sources which have been reproduced in part and adapted in this document.

### **1.1 Guiding Principles**

In determining its approach to dealing with the COVID-19 pandemic, the Court has adopted four guiding principles. The first guiding principle for the Court is that access to the courts must always be maintained. As noted by Chief Justice Dickson, in *B.C.G.E.U. v. British Columbia (Attorney General)*, [1988] 2 S.C.R. 214, “access to the courts is under the rule of law one of the foundational pillars protecting the rights and freedoms of our citizens”.

The second guiding principle is that the Court must remain “open” to the public and the media so that they can get access to information about ongoing court proceedings. The open court principle is one of the cornerstones of the Canadian justice system and it includes access to all aspects of the court process. This principle is enshrined in section 2(b) of the *Canadian Charter of Rights and Freedoms*.

The third guiding principle is that persons charged with an offence have a constitutional right to trial within a reasonable time. The Court must therefore strive to provide timely criminal trials, including jury trials, where it is possible to do so in a safe manner.

The fourth guiding principle is that the health and safety of the public, parties, counsel, Court staff members and the judges is a top priority. This means giving due regard to the Chief Medical Officer’s *Special Measures Order* and the recommendations of public health authorities in order to minimize the risk posed by COVID-19. This also means that, for the near future, it will not be business as usual.

## **2. GENERAL MEASURES**

Public health authorities have indicated that physical distancing, hand-washing/sanitizing, disinfecting high-touch surfaces and, where distancing cannot be maintained, the use of personal protective equipment (PPE) are important in minimizing the spread of COVID-19. Given this, the following measures will be required and implemented in all courthouses.

## 2.1 Distancing Measures

- All persons inside of courthouses are asked to respect two-metre physical distancing while in the courthouse.
- Layouts for common areas, courtrooms, conference rooms and registries have been arranged to support the required physical distancing where possible.
- Chairs in courtrooms, waiting areas and any other rooms are appropriately distanced.
- Signage is displayed:
  - o Stating that individuals who know they are infected with COVID-19, have come into contact with someone who is infected, or are experiencing one or more symptoms (even if a mild symptom), or who are required to self-isolate because of travel outside of the Province must not enter the courthouse;
  - o Directing traffic flow and creating safe wait distances between individuals; and
  - o Stating the maximum capacity for courtrooms, conference rooms, waiting areas, elevators, washrooms, and any other rooms/areas.
- The number of employees allowed in the workspace is being managed to ensure physical distancing.
- Items that are commonly handled or shared (staplers, pens, etc.) have been removed from common areas.
- Photocopiers and fax machines should be used in a manner that respects physical distancing.
- Where feasible, employees should eat at their workstations or outside the courthouse.
- Water coolers have been removed from public areas and shared water jugs are no longer provided. Bottled water will be provided to courtroom participants in judicial centres that have point-of-entry security screening.
- Sheriff's Officers are monitoring public spaces and courtrooms to ensure that persons are maintaining adequate physical distance.
- Where physical distancing is not possible, other measures will apply as described elsewhere in this document.

## 2.2 Masks and Personal Protective Equipment (PPE)

- Court attendees and court staff members are required to wear masks in all public areas of the courthouse. Court attendees are expected to bring their own masks.
  - A person who comes to the courthouse who cannot wear a mask because of a physical or mental health condition will be accommodated where necessary. Accommodations will be determined in consultation with a judge and may include:
    - Permitting entry but requiring the person to enter the court room through another entrance (if possible)
    - Requiring that the person maintain more than the minimum 2 metres of spacing from other individuals
    - Only permitting the person in the courtroom for a limited period of time.
    - Permitting the person to appear in Court by telephone or videoconference.
    - Postponing an appearance.
  - **If you are unable to wear a mask and you know you will be attending Court, you are encouraged to contact the Court beforehand so that an appropriate accommodation can be found.**
- Where court staff members are serving individuals at a Registry counter or manipulating documents from external sources, they must take extra precautions, which includes the use of masks, hand sanitizing and/or gloves.
- Sheriff's Officers are required to wear masks and gloves while in public areas and courtrooms.
- Employees must be provided instructions on the proper use of PPE prior to their use.
- Suitable containers have been placed at the exits from the courthouse to allow for the discard of disposable masks and gloves.

## 2.3 Handwashing/Sanitizing

- Court facilities are equipped with sanitizing products and sanitizing stations at the:
  - entrance and exit of the courthouse;
  - entrance of the security screening area;
  - entrance and exit of each courtroom and conference room areas; and
  - entrance of the elevators within courthouses.

- Clear signage has been posted about the courthouse stating that everyone entering the courthouse must use hand sanitizer when entering and exiting all courtrooms, conference rooms and registries.
- All persons are required to sanitize their hands before entering/exiting the courthouse, courtrooms, conference rooms and registries. Sheriff's Officers will monitor compliance.
- All washrooms and kitchens have signage posted regarding proper handwashing technique. Only disposable materials such as paper towels, etc. are available for hand drying.

## 2.4 Cleaning and Disinfection

- Arrangements have been made to ensure:
  - Courtrooms and conference rooms are disinfected before each new use, including:
    - the judge's dais;
    - furniture and equipment used by Judicial staff;
    - furniture and equipment used by litigants and legal counsel including microphones;
    - furniture used by the public;
    - door handles, light switches, and any electrical door openers.
  - Disinfection of high-touch surfaces in common areas occurs a minimum of two times per day, including:
    - door handles;
    - handrails; and
    - elevator buttons.
  - Where more than one person will be using a particular work area in the same day, disinfection is conducted after the first person departs, and before the next person is scheduled to arrive.
  - Washrooms and kitchens are being disinfected at least two times per day.
- Court staff members and court users are provided access to sanitary wipes or disinfectant sprays where possible, so they can wipe down surfaces before and after use, including chairs, desks, tables, keyboards, kitchen surfaces (fridges, microwaves, taps, countertops), and washroom surfaces (toilet seat, taps, countertops).

- Equipment such as photocopiers and fax machines must be wiped after each use.
- Where a suspected or confirmed case of COVID-19 is reported in a courthouse, operations on the floor in question, or a section of the floor will be suspended. Court administration will, in consultation with public health officials, determine what further measures are required before re-occupancy.

## **2.5 First Aid**

- The Court must ensure the safety of employees who are required to interact with others during emergencies. These situations often require that first aid responders come into close contact (less than two metres) with others.
- In this case, before starting a first aid intervention, employees who possess their first aid certification should wear:
  - o A surgical/procedure mask;
  - o Protective eyewear;
  - o Faceshield;
  - o Gloves; and,
  - o Shirt or gown that covers the arms (e.g. not short-sleeved).
- Note that these first aid interventions include CPR and the use of an automated external defibrillator (AED).
- Likewise, it is recommended that employees who provide first aid assistance self-monitor for symptoms and, if necessary, contact their supervisor if they are experiencing symptoms.

## **2.6 Occupational Health & Safety (OH&S)**

- OH&S Committee is engaging in weekly inspections of the courthouses to ensure compliance with these guidelines.

## **3. ENTERING THE COURTHOUSE**

The following measures apply where persons are entering the courthouse to attend at the registry or to participate in or attend a court proceeding.

### **3.1 Entering the Premises and Moving Through Common Areas**

Sheriff's Officers are located in all seven Supreme Court Judicial Centres throughout the Province. Sheriff's Officers monitor and facilitate the movement of persons through the common areas (hallways, robing rooms, etc.) and waiting areas to ensure that they maintain appropriate physical distance and that they are wearing masks. Regardless of whether there

is a formal Point of Entry (POE) screening process in place, Sheriff's Officers are responsible for the following:

- Ensuring those presenting at the Judicial Centre are required to attend Court at that time;
- Observing and enquiring of persons presenting at Judicial Centres regarding out-of-Province travel, symptoms, and so on, prior to allowing entry;
- Where applicable, maintaining secure entrance/exit and allow entry upon approval/request by Court staff;
- Directing persons attending Court regarding where they must wait for service, point out directional signage, indicate when Registry staff are ready to serve the next client (where possible) and inform persons that physical distancing must be practiced and that masks must be worn at all times;
- Monitoring the number of people in courtrooms and ensure that physical distancing is maintained at all times and that masks are worn;
- Maintaining a count of the total number of persons in building and spaces at all times;
- Cleaning high-touch areas in and around POE;
- Monitoring interactions – when they are completed – to ensure clients exit courthouse immediately and through the proper exit; and
- Working with Court staff to identify and resolve gaps in process to ensure a safe environment for all those present.

### **3.2 Screening of Court Attendees and their Belongings**

Sheriff's Officers will be present at all courthouse entrances and will screen all court attendees with a COVID-19-related questionnaire. Court attendees are reminded to:

- maintain the two-metre physical distancing during the screening process as well as wear a mask.
- only bring to the courthouse those belongings that are necessary.

## **4. REGISTRIES**

**Please check all relevant Notices on the Supreme Court's webpage to determine if the Court Registry in your area is closed to the public/only offering reduced services. If**

you are unsure whether the Registry is closed to the public after checking the website, you may contact the Court's registry at:

**St. John's General Division**  
[inquiries@supreme.court.nl.ca](mailto:inquiries@supreme.court.nl.ca)  
709-729-1137

**St. John's Family Division**  
[familyinquiries@supreme.court.nl.ca](mailto:familyinquiries@supreme.court.nl.ca)  
709-729-2573

**Corner Brook General Division and Family Division**  
[inquiryCB@supreme.court.nl.ca](mailto:inquiryCB@supreme.court.nl.ca)  
709-637-2633

**Gander General Division**  
[inquiryGander@supreme.court.nl.ca](mailto:inquiryGander@supreme.court.nl.ca)  
709-256-1115

**Grand Bank General Division**  
[inquiryGB@supreme.court.nl.ca](mailto:inquiryGB@supreme.court.nl.ca)  
709-832-1720

**Grand Falls-Windsor General Division**  
[inquiryGFW@supreme.court.nl.ca](mailto:inquiryGFW@supreme.court.nl.ca)  
709-292-4260

**Happy Valley-Goose Bay General Division**  
[inquiryHVGB@supreme.court.nl.ca](mailto:inquiryHVGB@supreme.court.nl.ca)  
709-896-7892

Staff members who work at a registry counter have close contact with members of the public on a day-to-day basis. As a result, the following additional measures and practices are in place in the Court's registries.

#### **4.1 Registry Services**

- Plexiglas barriers have been installed between the public and Court staff members at registry counters in all courthouses.
- Registry staff members will be provided with hand sanitizer and gloves for use when handling documents from external sources.
  - o Hands must be washed or disinfected once manipulation of the documents received from external sources is completed and before returning to their work stations.

- If gloves are used, they are to be properly discarded.
- The exchange of paper should be kept to a minimum. When paper documents are required:
  - The documents should be placed on a clean surface for purposes of receipt and transfer while respecting the two-metre distance between individuals.
  - Individuals will be urged to use their own pen; however, pens will be provided as necessary, for purposes of signing documents.
  - After being handled, pens must be discarded or sanitized.
  - Received documents should be placed and carried in an envelope or boxes.
- In situations involving payments at registry counters, employees should always:
  - Avoid all physical contact with individuals.
  - Avoid hand-to-hand exchange of cash, bank cards or credit cards.
  - Wear gloves when handling cash or use hand sanitizer once the transaction is complete.
  - Avoid touching bank or credit cards used by individuals, where possible.
  - Encourage card payments, ideally using fixed payment terminals that do not need to be handled.
  - Disinfect all surfaces touched by the individuals (counter, payment terminal), and do so between every transaction.

Due to staffing levels and the extra-precautions required in dealing with documents, there may be delays in ordinary processing times.

#### **4.2 Paper/Electronic filing**

Unless otherwise advised, parties are required to file paper copies of documents with the Court by mail or in person (whether that be by dropping the documents in one of the drop-boxes located at all Judicial Centres or at a registry counter).

E-filing will still be permitted through the estates e-filing portal or pursuant to [Practice Note P.N. No. 2020-03](#).

## 5. HEARINGS, TRIALS, AND CONFERENCES

Please check all relevant Notices on the Supreme Court's webpage to determine if your matter is proceeding and, if so, whether it is proceeding in-person or virtually. If you are unsure whether your matter is proceeding after checking the website, you may contact the Court's registry at:

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This section highlights the precautionary measures in place for in-person proceedings, where these are permitted to proceed.

The following measures and considerations will apply to in-person court appearances. The Court asks for flexibility and understanding on the part of parties, counsel, and other court attendees as we continue with such proceedings in our current setting.

### 5.1 Entering and Exiting the Courtroom

- Parties attending at the Court in-person should **arrive at the Court ten minutes prior to their appearance** for COVID-19 screening and point of entry screening.

- Court attendees and court staff members are required to wear masks at all times in the courtroom. Court attendees are expected to bring their own masks.
- All persons are required to sanitize their hands upon entering/exiting the courtroom.
- No bags other than briefcases and documents that lawyers or litigants require, and valuables that cannot be left outside the courtroom, are allowed in the courtroom.
- Sheriff's Officers will enforce distancing practices in the flow and seating of Court attendees entering the courtroom.
- The layout of each courtroom has been assessed and modified to ensure proper physical distancing can be achieved between all necessary parties, Court staff, the judge and the public. Where it is not possible to maintain a distance of two-metres, Plexiglas dividers have been installed in the least intrusive manner possible while ensuring adequate protection.
  - o The Court has undertaken a detailed assessment of every courtroom in the Province to determine what modifications were necessary for each space, from a physical distancing perspective.
- Wipes, hand sanitizer, gloves and masks are provided at appropriate locations in and outside of the courthouse and courtroom to ensure they are available for use as required.
- Access for the media and members of the public is described in Part 6 ("Public and Media Access to Courtrooms and Proceedings").
- At the close of the hearing and during recesses, the Court Officer or the Sheriff's Officer will invite court attendees to exit the courtroom in a manner that respects physical distancing.
- Suitable containers have been placed at the exits from the courthouse to allow for the discard of disposable masks and gloves.

## **5.2 During the Hearing/Trial**

- All court attendees, participants and court staff members are required to wear a mask during the hearing or trial unless the judge directs otherwise. All persons are expected to bring their own masks.
- Water pitchers and glasses will not be provided to attendees. Bottled water will be provided as required.

- Those involved in the transmission of documents in the courtroom are required to wear gloves or to immediately use hand sanitizer once the transaction is complete.
- To maintain social distancing during the transmission of exhibits or documents, a bin/or trolley will be used. Parties remitting such items will be invited to place them in the bin or trolley and return to their seat. The Court Officer will then retrieve the court documents or other exhibits.

### 5.3 Special Precautions for Jury Trials

In accordance with the recommendations of the Action Committee on Court Operations in Response to COVID-19, the Court is also using alternative measures to reduce the number of persons that must be physically present at the courthouse on the day of the jury selection. This includes possibly holding pre-screening days, to deal with requests for exemptions from jury duty that could not be granted by the Office of the High Sheriff; and separating prospective jurors into different courtrooms, linked by CCTV, for certain portions of the selection process. The specific processes implemented will vary according to number of jurors summoned and the directions of the presiding judge.

## 6. PUBLIC AND MEDIA ACCESS TO COURTROOMS AND PROCEEDINGS

### 6.1 Attending Hearings and Trials In-Person

Where the Court conducts in-person proceedings, it will be necessary to limit the number of persons in the courtroom and courthouse at one time. **Given this, only participants to a proceeding, their representatives and a maximum of one support person per participant will be permitted access until further notice.** Members of the media will also be permitted access.

### 6.2 Attending Hearings and Trials Virtually

Given the limitations on the number of attendees, the Court will, in some cases, facilitate virtual attendance for members of the media and the public. To find out what matters are proceeding and when, please consult the Court's docket posted on the Court's website:

[https://court.nl.ca/supreme/general/court\\_docket.html](https://court.nl.ca/supreme/general/court_docket.html)

If you wish to attend one of the matters listed on the docket, you should contact the Court's inquiries email address at least **48 hours** prior to the hearing of the matter in question:

St. John's	<a href="mailto:inquiries@supreme.court.nl.ca">inquiries@supreme.court.nl.ca</a>
Corner Brook	<a href="mailto:inquiryCB@supreme.court.nl.ca">inquiryCB@supreme.court.nl.ca</a>
Gander	<a href="mailto:inquiryGander@supreme.court.nl.ca">inquiryGander@supreme.court.nl.ca</a>
Grand Bank	<a href="mailto:inquiryGB@supreme.court.nl.ca">inquiryGB@supreme.court.nl.ca</a>
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Happy Valley-GB	<a href="mailto:inquiryHVGB@supreme.court.nl.ca">inquiryHVGB@supreme.court.nl.ca</a>

Requests should indicate the **file number**, **case name**, and **date** of the hearing you wish to attend. If the matter is one that the public would ordinarily be able to attend, you will be given a teleconference number so that you may call in to listen to the proceedings.

The Court will attempt to accommodate requests to attend made within the 48 hours prior to the hearing of the matter. Where these cannot be accommodated, the Court will provide a copy of the sound recording of the hearing at no cost to the requestor. Members of the public and the media can still make a request for a copy of the sound recording of a hearing after it has been held (assuming there was no restriction on public access to the hearing), subject to payment of the \$20 fee. Requests for copies of the sound recording should be made to [IMDivision@supreme.court.nl.ca](mailto:IMDivision@supreme.court.nl.ca).

## **7. COMMUNICATION OF UPDATES**

The Court will continue to update stakeholders regarding updates to the plan and any changes to proposed timelines. Communications will be made to its media contact list (please contact the Court if you wish to be added to this list), Twitter, the Court's website, and through the Law Society.

## **8. RAISING HEALTH AND SAFETY CONCERNS WITH THE COURT**

The Court will strive to ensure that it is complying with these Guidelines and that it is minimizing health and safety risks for all Court attendees. It is possible, however, that lapses in compliance may occur or that situations will arise that create risks to the health and safety of attendees.

Where this occurs, the Court asks that you bring this to the attention of the appropriate person, as set out below.

### **8.1 During a Hearing**

Where a situation arises in the course of a hearing, the clerk, counsel, party, witness or Sheriff's Officer who becomes aware of a potential risk to their health and safety should raise their concern with the presiding judge as soon as possible.

Persons present in the Court's gallery should leave the courtroom and report the issue in accordance with the direction provided in 8.2, below.

### **8.2 In the Courthouse**

Where a person becomes aware of a potential risk to health and safety elsewhere in the courthouse, the Court asks that you please report this to the Sheriff's Officers on duty.

## **9. ADDITIONAL INFORMATION FOR COURT ATTENDEES**

### **9.1 Parties, Counsel, and Witnesses**

#### ***9.1.1 When Should you NOT Come to Court?***

To help control the spread of COVID-19, court participants should not come to the courthouse if they:

- Are exhibiting any symptoms of COVID-19;
- Have come in close contact with a person who has COVID-19 within the last 14 days;
- Have a confirmed case of COVID-19; or
- Are required to self-isolate because they have travelled outside of the Province (see the [special measures order](#) for more information).

For ease of reference, symptoms of COVID-19 are defined as having **ONE** of the following symptoms:

- Fever (including chills/sweats)
- Cough (new or worsening)
- Small red or purple spots on hands and/or feet in a child/young adult less than 20 years of age
- Shortness of breath or difficulty breathing
- Runny, stuffy or congested nose (not related to seasonal allergies or other known causes/conditions)
- Sore throat or difficulty swallowing
- Headache
- Acute loss of sense of smell or taste
- Unusual fatigue, lack of energy
- New onset of muscle aches
- Loss of appetite
- Vomiting or diarrhea for more than 24 hours

If you have an upcoming, in-person court matter that you will not be able to attend for one of the reasons note above, you should immediately contact the court. **Please check all relevant Notices on the Supreme Court’s webpage to determine if your matter is proceeding and, if so, whether it is proceeding in-person or virtually.** If you are unsure whether your matter is proceeding after checking the website, you may contact the Court’s registry at:

**St. John’s General Division**  
[inquiries@supreme.court.nl.ca](mailto:inquiries@supreme.court.nl.ca)  
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709-292-4260

**Happy Valley-Goose Bay General Division**  
[inquiryHVGB@supreme.court.nl.ca](mailto:inquiryHVGB@supreme.court.nl.ca)  
709-896-7892

Court staff members will relay this information to the presiding judge so that appropriate arrangements may be made. This may include adjourning the matter or arranging for the matter to be heard by audio or videoconference, if appropriate.

***9.1.2 Will I be turned away? What happens then?***

Court participants attending the courthouse will be subject to screening by the Sheriff's Officers. Persons who are required to self-isolate because of travel outside of the Province, who are experiencing a COVID-19 symptom, who have come into contact with a person with a confirmed case of COVID-19 or who have a confirmed case of COVID-19 will not be permitted entry into the courthouse.

Where a court participant is refused entry by a Sheriff's Officer, the Sheriff's Officer will immediately inform their supervisor who, in turn, must notify the Deputy Registrar or Assistant Deputy Registrar on site. The Deputy Registrar or Assistant Deputy Registrar will ensure that the presiding judge is informed of the situation so that they may make required procedural orders upon calling the matter in Court.

### ***9.1.3 What should I do if I develop symptoms at the Courthouse?***

If a court participant develops symptoms while they are at the courthouse they should inform the presiding judge or, if the matter is not in session, the Court Officer or a Sheriff's Officer, immediately.

The court participant should leave the courthouse as soon as possible, while taking care to keep their distance from others.

If for any reason the court participant (such as an accused) is unable to leave immediately:

- The person must separate themselves into an area away from others.
- The person must maintain a distance of two metres from others.
- The person must keep their mask on to cover their nose and mouth while they remain in the courthouse.
- Staff responsible for facility cleaning must clean and disinfect the space where the staff member was separated and any areas used by them (e.g. courtroom, bathroom, common areas).

The Court Administration will, in consultation with public health officials determine whether any further measures are required.

## **9.2 Members of the Media and the Public**

### ***9.2.1 When Should you NOT Come to Court?***

To help control the spread of COVID-19, members of the media or the public should not come to the courthouse if they:

- Are exhibiting any symptoms of COVID-19;
- Have come in close contact with a person who has COVID-19 in the last 14 days;
- Have a confirmed case of COVID-19; or
- Are required to self-isolate because they have travelled outside of the Province (see the [special measures order](#) for more information).

For ease of reference, symptoms of COVID-19 are defined as having **ONE** of the following symptoms:

- Fever (including chills/sweats)
- Cough (new or worsening)
- Small red or purple spots on hands and/or feet of a child/young adult less than 20 years of age
- Shortness of breath or difficulty breathing

- Runny, stuffy or congested nose (not related to seasonal allergies or other known causes/conditions)
- Sore throat or difficulty swallowing
- Headache
- Acute loss of sense of smell or taste
- Unusual fatigue, lack of energy
- New onset of muscle aches
- Loss of appetite
- Vomiting or diarrhea for more than 24 hours

***9.2.2 Will I be turned away? What happens then?***

Members of the public attending the courthouse (to view proceedings or attend at the registry) will be subject to screening by Sheriff's Officers. Persons who are required to self-isolate because of travel outside of the Province, who are experiencing a COVID-19 symptom, who have come into contact with a person with a confirmed case of COVID-19 or who have a confirmed case of COVID-19 will not be permitted entry into the courthouse.

***9.2.3 What should I do if I develop symptoms at the Courthouse?***

If a person begins to experience a COVID-19 symptom while they are at the courthouse, they must leave the courthouse immediately, while taking care to keep their distance from others.

Staff responsible for facility cleaning will clean and disinfect any areas used by the person (e.g. courtroom, bathroom, common areas).

Court Administration will, in consultation with public health officials determine whether any further measures are required.