



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

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FOR MANAGEMENT SUPPORT


NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

JUSTIN A. BARRY, ESQ.
CHIEF OF ADMINISTRATION

MEMORANDUM

August 16, 2022

To: Deputy Chief Administrative Judges

From: Nancy J. Barry
Justin Barry 

Re: Information on Monkeypox

We have received a number of inquiries regarding monkeypox and guidance for court users who report infection with this virus.

This memorandum reviews information currently available from the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health (DOH) and offers strategies for litigants and other court users that report an infection.

Infection and Symptoms

Monkeypox is a rare, viral infection that does not usually cause serious illness.

Symptoms of monkeypox can include rashes, bumps, or blisters on or around the genitals or in other areas (hands, feet, chest, or face) and flu-like symptoms, such as fever, headache, muscle aches, chills, and fatigue.

People at Risk

According to the CDC, monkeypox can spread from person to person through direct contact with the infectious rash, scabs, or body fluids. It also can be spread by respiratory secretions during prolonged, face-to-face contact, or during intimate physical contact, such as kissing, cuddling, or sex. (It can also be spread through contact with objects or fabrics (e.g., clothing, bedding, towels) that have been used by someone with monkeypox).

It is important to note that, unlike COVID-19 which can be transmitted through aerosolized particles, monkeypox is not a highly contagious disease and requires direct and, typically, prolonged contact with a sore, rash, respiratory droplets, or oral fluids from an infected person.

The CDC currently recommends, but does not require, that people diagnosed with monkeypox isolate for the duration of their illness. For individuals who cannot stay isolated, the CDC recommends that while around other people, a person with monkeypox

- wear a well-fitting mask to prevent spreading saliva or oral secretions;
- avoid close physical contact;
- cover any lesions or parts of the rash with gloves, clothing, or bandages; and
- disinfect any surfaces that have been touched by a lesion.

Courthouse and Facility Practices

As noted above monkeypox is not a highly contagious or transmissible disease such as COVID-19. While the UCS, pursuant to public health guidance, did actively screen court users for COVID-19, it does not currently screen for any other diseases, nor will it do so for monkeypox. It is inappropriate and violates federal law to inquire about a person's possible infection with monkeypox or other non-COVID-19 medical conditions.

Should a court user, particularly a lawyer, litigant, juror or witness, volunteer that they have monkeypox, everyone involved should practice the guidance below.

Guidance for Individuals Reporting Monkeypox Infection

For any court appearance that is not time-sensitive and/or there is no constitutional or statutory mandate compelling an appearance, the Court, upon request of an individual (and subject to medical documentation), should consider granting an adjournment until the individual's illness has resolved, typically 2-4 weeks from the onset of symptoms. Likewise, Commissioners of Jurors, County Clerks and Clerks Office may consider postponements or alternatives to coming to the courthouse for individuals volunteering information as they would for the report of any other illness.

For any court appearance or matter that is time-sensitive and/or there is a constitutional or statutory mandate compelling an appearance, such as a criminal arraignment or testimony in the grand jury or an ongoing hearing or trial, the individual reporting a monkeypox infection and judges and non-judicial staff should take the following precautions when the individual appears at the courthouse and in a courtroom:

- The individual and all others within close contact should wear a well-fitting mask and gloves.
- Avoid contact with rash, lesions or scabs.
- Maintain distance, where possible.

- Disinfect surfaces that have been used.
- Practice hand hygiene.

At the conclusion of a court appearance or courthouse visit with an individual who has a confirmed case of monkeypox (i.e., the individual volunteers that they have been diagnosed by a healthcare professional or, in the case of an individual who is incarcerated, the custodial agency advises court staff that the individual has an infection), uniformed staff will follow the UCS Exposure Control Plan, which includes filing an Unusual Occurrence Report and a UF-136 Infectious Disease Case Report.

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These protocols are subject to modification based on additional guidance from the CDC and New York State Department of Health.

We continue to extend our appreciation to judges and staff for their cooperation and flexibility as we respond to public health conditions.

cc: Presiding Justices
Administrative Judges
Clerks of Court
OCA Directors
District Executives
NYC Chief Clerks
NYC County Clerks