

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
16TH JUDICIAL CIRCUIT, STATE OF MISSOURI**

**In Re: Updated Court Operations under Supreme Court Operational Directives -
Effective October 24, 2020
THIS ORDER PERTAINS ONLY TO COURT OPERATIONS AT KANSAS
CITY COURTHOUSE
Kansas City Courthouse to operate at Phase 1**

ADMINISTRATIVE ORDER 2020-179

WHEREAS, on October 9, 2020, the 16th Judicial Circuit (“Court”) issued Administrative Order 2020-174 regarding Court operations at all courthouses and court buildings where hearings and conferences are conducted. Said Administrative Order was issued pursuant to Missouri Supreme Court’s Operations Directives dated July 24, 2020; and

WHEREAS, the Court operates in numerous buildings and courthouses, including the Kansas City Courthouse, the Eastern Jackson County Courthouse, the Family Justice Center and the Albert Riederer Community Justice Complex (herein collectively referred to as “Court Buildings”) and various municipal courts in different cities and various buildings throughout the Circuit (herein referred to as “Municipal Courts”); and

WHEREAS, circumstances regarding COVID-19 continue to evolve and change, frequently on a daily or weekly basis, resulting in continuing re-evaluation of court operations; and

WHEREAS, the Supreme Court’s Operational Directives include provisions allowing a presiding judge to “change [the] Operating Phase for each court facility [within a circuit] in which judicial functions are carried out”; and

WHEREAS, specific circumstances have arisen within the Kansas City Courthouse which, pursuant to the Supreme Court’s Operational Directives, require moving Court operations within the Kansas City Courthouse to Phase 1; and

WHEREAS, the circumstances requiring the change set forth in this Administrative Order are limited to Court operations at the Kansas City Courthouse; and

WHEREAS, all terms of Administrative Order 2020-174 pertaining to Court operations at the Eastern Jackson County Courthouse, the Family Justice Center, the Albert Riederer Community Justice Complex and various municipal courts in different cities and various buildings throughout the 16th Circuit, shall remain in effect as set forth in Administrative Order 2020-174; and

WHEREAS, the Missouri Supreme Court has continued to encourage judges to utilize all available technologies – including teleconferencing and video conferencing – to limit in person

courtroom appearances to the extent not prohibited by the constitution or statutes as to the proceedings; and

WHEREAS, the Missouri Supreme Court’s Operational Directives describe criteria to be evaluated and considered regarding the continued operation of the Court as well as the progression or regression to different Phases set forth in the Operational Directives, all of which have been duly considered in the entry of this Administrative Order. The Missouri Supreme Court’s Operational Directives also allow for the exercise of local discretion based on factors and circumstances applicable to each courthouse facility; and

WHEREAS, pursuant to Section 478.240.2 R.S.Mo. and Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial personnel and court officials in the Circuit as well as administrative authority over dockets of the Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Court.

IT IS HEREBY ORDERED, effective immediately and continuing until rescinded, amended, modified or extended in a subsequent Administrative Order, as follows:

1. All terms of this Administrative Order shall pertain ONLY to Court operations at the Kansas City Courthouse. Any terms of Administrative Order 2020-174 applicable to court operations at the Kansas City courthouse which are not specifically modified by this Order, shall remain in effect.

2. Court operations at the Eastern Jackson County Courthouse, the Family Justice Center, the Albert Riederer Community Justice Complex and various municipal courts in different cities and various buildings throughout the Circuit are NOT affected by this Administrative Order. All terms of Administrative Order 2020-174 pertaining to Court operations at the court facilities identified in this paragraph shall remain in effect.

3. Effective October 24, 2020, the Kanas City courthouse will operate under Phase 1 of the Missouri Supreme Court’s Operational Directives.

4. Jury trials at the Eastern Jackson County Courthouse will proceed pursuant to the provisions of Administrative Order 2020-174 and other Court protocols and procedures.

5. According to the specific terms of the Supreme Court’s Operational Directives, the Court has considered and will continue to consider whether it is appropriate to resume or conduct “extraordinary, pressing and urgent” jury proceedings at the Kansas City courthouse while said courthouse is operating under Phase 1.

6. Large venues and common areas such as break rooms should be closed in the Kansas City courthouse. Occupancy rates in courtrooms, jury assembly rooms and other areas in the Kansas City courthouse shall be kept at a rate of 10 or less whenever possible and operate under strict social distancing protocols. Face masks or coverings shall be required in all public court areas and during all court proceedings unless good cause is shown to limit the requirement

in a particular proceeding, such as for a witness who is testifying. In addition, face masks or coverings shall be required in non-public work areas except when an individual is alone in a private office.

7. The Court will submit to the Missouri Supreme Court an updated “Exhibit A, Notice to the Supreme Court of Missouri of Higher/Lower Operating Phase” specifically regarding court operations at the Kansas City courthouse. The Court will follow the applicable guidelines and directives for the Phase specified in its submitted Exhibit A, supplemented by the specific terms of this Administrative Order and any amendments hereto. To the extent this Administrative Order provides local solutions or additional terms unique to the local conditions presented to the Court, those solutions and terms shall continue to apply until rescinded or modified by a subsequent Administrative Order.

8. The Court shall continue to utilize all available technologies, including teleconferencing and video conferencing, to the greatest possible extent for all proceedings, hearings and/or conferences (collectively referred hereinafter as “proceedings”) so as to minimize, as much as possible, the physical presence of persons in the Kansas City courthouse for in person proceedings.

9. Subject to the provisions of paragraph 8 above, in person proceedings *may occur* for proceedings in extraordinary and urgent situations, based on a determination that alternative methods for conducting said proceedings cannot occur, including a determination by the Judicial Officer presiding over any such proceedings that it is not possible for such proceedings to be conducted by telephone, teleconference, polycom, videoconferencing, or any other method that does not require the physical presence of persons in the Kansas City courthouse. *In person hearings may be conducted* when other alternative methods to proceed have failed or are otherwise not available. In any situation where disruptions or interference is attempted or occurs for court proceedings that are conducted by telephone, teleconference, polycom, videoconference or any other “not-in-person” method, a Judicial Officer may conduct any/all subsequent proceedings in person.

10. In all criminal cases pending in the Kansas City courthouse where the defendant is in detention at the Jackson County Detention Center or otherwise in custody at any other detention center or at any other prison:

A. Said defendant shall be personally transported to the Kansas City courthouse for any hearing where the defendant’s personal appearance/presence is required by statute, rule or constitutional provision *and* said hearing is required to immediately proceed;

B. Said defendant shall *not* be personally transported to or brought into the Kansas City courthouse for any hearing other than those specifically identified in paragraph A above. All hearings and conferences other than those specifically identified above in paragraph A shall be conducted via teleconference or videoconference, including but not limited to initial appearance, arraignment hearings and pre-trial hearings/conferences.

11. Each Judicial Officer and his/her division staff shall be responsible for notifying all parties and counsel if his/her cases/dockets are being conducted by teleconference, videoconference or the manner in which hearings will be held. Each Judicial Officer and his/her division staff shall also be responsible for re-scheduling new hearing dates and notifying all parties and counsel of new hearing dates in the event cases cannot be heard as scheduled.

12. Hearings on petitions for full orders of protection are being conducted at the Albert Riederer Community Justice Complex and are therefore subject to the provisions of Administrative Order 2020-174.

13. When a defendant in a criminal case pending at the Kansas City courthouse bonds out of the Jackson County Detention Center, he/she is given a date for his/her initial appearance. Any such date provided to a defendant shall be continued and the initial appearance will be held 30 days after the date provided at the time the defendant bonds out of the detention center.

14. All Court staff and all members of the public who appear at the Kansas City courthouse and any other courthouse for hearings and/or to conduct any court-related business, shall comply with all screening requirements and/or other requirements to mitigate against the spread of COVID-19, including but not limited to temperature checks and medical screenings in order to enter any courthouse, wearing masks or other face coverings as a condition to enter any courthouse and wearing masks as set forth in this Order and social distancing.

THIS ORDER MAY BE AMENDED, RESCINDED, MODIFIED OR EXTENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

October 24, 2020
Date



David M. Bym, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on October 24, 2020.

Missouri Supreme Court
16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Captain Robert Tuttle, Jackson County Sheriff's Department
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Jackson County Prosecutor
Ruth Petsch, District Defender, Office of the Public Defender
All Municipal Courts
Bar Associations located within the 16th Judicial Circuit

Michelle Morgan

**16TH JUDICIAL CIRCUIT
STATE OF MISSOURI**

Notice to the Supreme Court of Missouri of Higher/Lower Operating Phase

I, David M. Byrn, Presiding Judge of the 16th Judicial Circuit Court, hereby notify the Supreme Court of Missouri that effective October 24, 2020, the Kansas City courthouse of the 16th Circuit will be operating under the terms of Phase 1 of the Supreme Court's Operational Directives, including the utilization of local solutions applicable to local conditions as set forth in this Court's Administrative Order 2020-174, effective October 24, 2020. All other courthouses and court buildings will continue to operate under Phases set forth in prior Administrative Orders and Notices to the Supreme Court.

Dated: October 24, 2020



David M. Byrn, Presiding Judge