

**IN THE 16th JUDICIAL CIRCUIT OF MISSOURI
FAMILY COURT DIVISION**

IN RE: Family Court Operations during Covid-19
Stay at home/Shelter in Place Order

ADMINISTRATIVE ORDER: 20-06

ORDER

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic; and

WHEREAS, the Missouri Governor, Jackson County Executive and Mayors/Executives of cities and counties in the Kansas City metropolitan area have declared a State of Emergency and have issued Stay-at-Home Orders requiring residents to remain at home except for activities essential to health and safety, and requiring businesses to cease operations unless they are considered essential businesses; and

WHEREAS, the Jackson County Executive was among a regional leadership group that announced a Stay-At-Home Order for all residents and businesses in Jackson County, Missouri; and

WHEREAS, during the time the Stay-at-Home Order has been and remains in effect, all non-essential businesses have been closed and all non-essential personnel have been asked to work from home; and

WHEREAS, the continuing operation of the 16th Judicial Circuit Court (“Court”) is deemed to be an essential governmental service and therefore, the Court has remained open and will continue to remain open and operational during the term of all Stay-At-Home Orders; and

WHEREAS, notwithstanding the fact that the Court has remained and will continue to remain open, it is imperative that the Court take steps to protect the health and safety of all employees of the Court, all judicial officers, all attorneys, all litigants, all victims, all witnesses, any other individuals or entities who have cases and hearings pending in Court and all members of the general public, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court has remained and will continue to remain open, the Court’s operations have been and will continue to be significantly modified during the term of any and all Stay-At-Home Orders; and

WHEREAS, Presiding Judge of the 16th Judicial Circuit, the Honorable David Byrn, has the administrative authority over dockets of the Circuit Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Circuit Court; and

WHEREAS, on April 16, 2020, the Presiding Judge entered Administrative Order 2020-073, specifically referencing Missouri Supreme Court Orders dated March 22, 2020, and April 1, 2020, which suspend all in-person proceedings with certain identified exceptions; and

WHEREAS, Administrative Order 2020-073, applies to all proceedings in Family Court and states in relevant part:

...
IT IS HEREBY ORDERED, effective immediately and continuing through May 15, 2020, unless modified or extended in a subsequent Administrative Order, as follows:

1. Except for those matters specifically identified in paragraph 2 below and subject to the terms set forth in paragraph 2, there shall be no in-person proceedings, hearings or conferences held in Court Buildings. All proceedings, hearings and conferences shall be conducted by telephone, polycom, videoconferencing, or any other method that does not require the physical presence of persons in Court Buildings.

2. The Missouri Supreme Court has stated that in-person hearings or conferences may be conducted for the below listed proceedings. *However*, the Supreme Court does not mandate a judge to set a hearing in any individual case. Therefore, notwithstanding the prohibition on in person proceedings, hearings or conferences as set forth above in paragraph 1, and consistent with the requirements set forth herein, in-person proceedings may be held in very limited circumstances in the following matters, subject to the requirements set forth below. *An in-person proceeding, hearing or conference shall only be held in limited and extreme circumstances* and based on a determination that alternative methods for conducting said hearings cannot occur, including a determination by the Judicial Officer presiding over any such proceedings that it is not possible for such proceedings, hearings or conferences to be conducted by telephone, teleconference, polycom, videoconferencing, or any other method that does not require the physical presence of persons in Court Buildings. *In-person hearings should be conducted only as an absolute last resort* when all other alternative methods to proceed with the hearing have failed.

- ...
- (b) Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;
 - (c) Proceedings pursuant to chapter 453 pertaining to adoption;
 - ...
 - (e) Proceedings pursuant to chapter 455 pertaining to orders of protection;
 - (f) Proceedings related to emergency child custody orders;
 - ...

(l) Other exceptions approved by the Chief Justice of the Missouri Supreme Court.

...

IT IS THEREFORE ORDERED that the above listed Family Court proceedings shall be conducted by telephone, polycom, videoconferencing, or any other method that does not require the physical presence of persons in the Family Court Building. If a Judicial Officer determines that a proceeding cannot occur using these alternative hearing methods, then the proceeding may be scheduled for an in-person hearing.

IT IS FURTHER ORDERED that in the rare-occurrence where a Judicial Officer determines (1) no reasonable alternative to an in-person hearing exists, and (2) re-scheduling the hearing beyond May 15, 2020, is contrary to the best interest of the juvenile, then the Judicial Officer shall notify the parties 24-hours in advance that they will be conducting an in-person hearing. Said hearing shall be conducted in strict compliance with the directives outlined in the Presiding Judge's Administrative Order 2020-073.

IT IS FURTHER ORDERED that as determined in the Family Court's prior Administrative Order 20-01, it is in the best interest of the juveniles, that all juveniles, are excused from the above-listed proceedings.

IT IS FURTHER ORDERED that as determined in the Family Court's prior Administrative Order 20-01, it is in the best interest of the juveniles, that all extended relatives and potential placement providers shall be excluded from the above listed proceedings.

IT IS FURTHER ORDERED that the Court Administrator/Deputy Court Administrator is authorized to suspend programming operated by the Family Court Services consistent with this and other prior Administrative Orders and Centers for Disease Control and Prevention Guidelines.

IT IS FURTHER ORDERED that drug testing for family drug court is suspended until further notice.

IT IS FURTHER ORDERED that when it is in the best interest of the child, families in the family drug court program shall receive designee time as approved by all members of the Family Support Team in writing. If the safety of the children can be guaranteed, designee time shall still be considered and offered even if the parent has not provided 3 weeks of consecutive, negative urinalysis. Family time may also include an expansion of unsupervised time with a parent if the parent continues to demonstrate sobriety and all members of the Family Support Team approve in writing.

IT IS FURTHER ORDERED that if deemed appropriate by the Children's Division, and in the best interest of the child, parent child visitation may temporarily be conducted virtually by telephone, polycom, videoconferencing or any other method that does not require the physical presence of persons. The Children's Division will attempt to increase the opportunity to increase

virtual visitation. This temporary disruption in visitation shall expire on May 15, 2020, unless extended by further order of the Court.

IT IS FURTHER ORDERED that to the extent the directives and declarations set forth in this Administrative Order differ from the prior Family Court Administrative Order 20-05, this Administrative Order controls.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

April 16, 2020
Date



JALIAH OTTO
ADMINISTRATIVE JUDGE
FAMILY COURT DIVISION

Copies to:
Presiding Judge
Court Administrator
Family Court Judges and Commissioners
Deputy Court Administrator/Family Court
Juvenile Officer
Family Court Directors
Assistant Legal Counsel/Family Court
Office of the Guardian ad litem
CASA Project
Office of the Public Defender
Children's Division, Jackson County offices
Division of Legal Services (DSS), Jackson County office
Chairs, Juvenile and Family Law Committees, KCMBA


