

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

In Re: Court Operations During COVID-19 Stay At Home/Shelter In Place Order

ADMINISTRATIVE ORDER 2020-073

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

WHEREAS, among other means, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, current medical guidelines and Stay-at-Home Orders recommend, suggest or require social distancing of people, requiring a minimum separation distance of 6 feet between people as a way to minimize the spread of the COVID-19 virus; 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, the Missouri Supreme Court entered an Order dated April 1, 2020, superseding its earlier Order dated March 22, 2020 together with other Orders, regarding on-going court operations and has instructed courts in this state to “prepare for potential infection in their community”; and

WHEREAS, the Missouri Supreme Court has directed its courts to “consider strategies to prevent the spread of respiratory germs into, within, and between facilities”; and

WHEREAS, the Missouri Supreme Court suspended all in-person proceedings with certain identified and limited exceptions and the Missouri Supreme Court authorized the Presiding Judge of each Circuit to determine the manner in which hearings are to be conducted, including the discretion to excuse individuals from personally appearing; and

WHEREAS, the Missouri Supreme Court has encouraged judges to utilize all available technologies – including teleconferencing and video conferencing – to further limit in-person courtroom appearances to the extent not prohibited by the constitution or statutes as to the proceedings; and

WHEREAS, medical knowledge of and circumstances regarding COVID-19 have changed dramatically since the Court’s issuance of Administrative Order 2020-064 on March 22, 2020. These changes include but are not limited to additional information and understanding of the manner of possibly spreading the COVID-19 virus, entry by the Supreme Court of its amended Administrative Order dated April 1, 2020 and the circumstances and guidance referenced therein, the issuance of the Stay Home Missouri Executive Order by the Missouri Governor and the Stay-at-Home Order in Jackson County; and

WHEREAS, the 16th Judicial Circuit Court operates in the following buildings:

- (1) Kansas City Courthouse, 415 East 12th Street, Kansas City, MO 64106;
- (2) Eastern Jackson County Courthouse, 308 W. Kansas, Independence, MO 64050;
- (3) Family Court Division, 625 E. 26th Street, Kansas City, MO 64108;
- (4) Albert Reiderer Community Justice Complex, 1315 Locust, Kansas City, MO 64106 (sometimes referred to as the “Criminal A Building”); and
- (5) Community Justice Building, 1305 Locust, Kansas City, MO 64106.

These five buildings are hereby collectively referred to as the “Court Buildings”; and

WHEREAS, the Court desires to employ additional necessary and reasonable measures to protect the general public, litigants, lawyers, employees and all other individuals from the spread of COVID-19; and

WHEREAS, the Presiding Judge of the Court has the 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 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.

- (a) Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights afforded under section 544.676.3;
- (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;
- (d) Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
- (e) Proceedings pursuant to chapter 455 pertaining to orders of protection;
- (f) Proceedings related to emergency child custody orders;
- (g) Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- (h) Proceedings related to emergency mental health orders;
- (i) Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- (j) Proceedings directly related to the COVID-19 public health emergency;
- (k) Oral arguments regarding time-sensitive matters;
- (l) Other exceptions approved by the Chief Justice of the Missouri Supreme Court.

In the event an in-person hearing or conference must occur, the Judicial Officer or his/her administrative staff shall be responsible for notifying Sheriff's Deputies or other security personnel at the Court Building where the hearing or conference will occur, that an in-person hearing shall occur and shall provide Sheriff's Deputies or other security personnel with the names of any such designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Buildings for the designated in-person hearing. If the Sheriff's Deputies or other security personnel are not notified of the persons who

are to appear in- person for any such hearing, any person attempting to enter a Court Building for such hearing will be denied entry to the Court Building.

3. Entry to Court Buildings shall be limited to the following persons:
 - (a) Judicial Officers and employees of the Court;
 - (b) Those individuals specifically identified by a Judicial Officer as necessary for an in-person hearing as required and set forth in paragraph 2 above;
 - (c) Independent contractors, delivery persons and vendors who have permission to enter Court Buildings from either the Presiding Judge of the Court or the Court Administrator and whose entry into Court Buildings is necessary for continuous operation of the Court. This Administrative Order is not intended to limit access to Court Buildings as determined to be necessary or appropriate by the Jackson County Executive or Administration or the Jackson County Sheriff;
 - (d) Litigants otherwise lacking internet access who need access to computer portals for matters pertaining to pending litigation and litigants who, in rare instances, are unable to utilize the procedures for delivering documents to the Court as provided in paragraph 4.

Anyone attempting to enter Court Buildings in violation of these protocols will be denied entry by Jackson County Sheriff's Deputies or other security personnel. Individuals not authorized to enter the Court Buildings because of the restrictions listed above are provided the following contact information to have remote access to the administration of justice:

- (a) If you are represented by an attorney, please contact your attorney.
- (b) If you are an attorney scheduled to appear in Court before a Circuit or Associate Circuit Judge or a Commissioner, please contact the Division Clerk or contact the Court's website at <http://www.16thcircuit.org> for chambers contact information.
- (c) If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's Office:
 - (i) Civil Records Kansas City - (816) 881-3920.
 - (ii) Civil Records Independence - (816) 881-4524.
 - (iii) Criminal Records Kansas City (816) 881-4351.
 - (iv) Criminal Records Independence - (816) 881-4500.
 - (v) Probate - (816) 881-3755.
- (d) If you are a prospective Juror, please contact the Jury Commissioner at (816) 881-3602.
- (e) If you are seeking an Order of Protection regarding adult/child abuse please contact (816) 881-3974.
- (f) For Jackson County Prosecuting Attorney matters, please contact the Jackson County Prosecuting Attorney at (816) 881-3555.
- (g) For Jackson County Public Defender matters, please contact the Missouri Public Defender at (816) 889-2099.
- (h) For Family Court matters, please contact the Family Court receptionist at (816) 474-3606.
- (i) For the Court's Fiscal Department please contact (816) 881-1300.

① For Jackson County Sheriff matters, please call the main line at (816) 541-8017.

4. The Court Administrator has established procedures for pro se litigants to deliver and/or file pleadings and other documents with the Court via fax filing, email filing, and by creating drop boxes at designated entries to Court Buildings. Those procedures are posted on Court Building doors, posted on the Court's website at www.16thcircuit.org, and posted on the Court's Facebook page.

5. In all criminal cases 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, said defendant shall not be personally transported to or brought into Court Buildings for any hearing or conference. All hearings and conferences regarding any such defendant shall be conducted via teleconference or videoconference, including initial appearance and arraignment hearings.

6. 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.

7. Based on current circumstances, including but not limited to the ban on gatherings and in consideration of the safety of parties, employees, security personnel and others, the Court has determined that it is not possible to proceed with in-person hearings on full orders of protection. This Court's previous Administrative Order 2020-064 entered on March 22, 2020 continued hearings on full orders of protection for sixty (60) days from the date of the most recently scheduled hearings. *Those hearings are now continued an additional thirty (30) days.* All Ex Parte Orders of Protection currently in existence will be extended by operation of this Administrative Order until the new hearing date. Once the Court determines that it is safe to proceed with in-person hearings on full orders of protection, the in-person hearings on full orders of protection that have been continued by this Administrative Order or prior Administrative Orders will be re-scheduled by the Court.

NOTE that nothing in this Administrative Order bars or prevents holding hearings on full orders of protection via teleconference or videoconference. Therefore, if all parties in a particular case are available to allow said hearing to be conducted via teleconference or videoconference, said hearing shall proceed in that manner.

8. When a defendant in a pending criminal case 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 90 days after the date provided at the time the defendant bonds out of the detention center.

9. During the duration of this Order, judges presiding over a civil or domestic case or matter may exercise their discretion to waive, for good cause shown, any filing deadlines or time limitations set through Missouri's e-filing system or by court order, local rule, or Missouri Supreme Court Rules 41 through 81. This authorization does not apply to any deadline or time limitations set by statute or constitutional provision.

10. 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.

11. All municipal courts in Jackson County, Missouri are subject to this Administrative Order and are encouraged to take appropriate action consistent with this Administrative Order and Centers for Disease Control and Prevention guidelines.

12. The provision of Circuit Court Local Rule 68.3.1 which requires that *each* party be represented by separate counsel, is temporarily suspended. Therefore, assuming all other requirements of Local Rule 68 are complied with, proposed Judgments may be submitted by Joint signed Affidavit and entered by the Court when only one party is represented by counsel instead of the requirement that both parties be represented by counsel. All other terms of Local Rule 68 remain in effect.

IT IS FURTHER ORDERED, effective immediately and continuing through May 31, 2020, unless modified or extended in a subsequent Administrative Order, as follows:

1. The Court Administrator is Ordered and authorized to suspend the impaneling of all jurors. All jury trials scheduled through May 31, 2020 are hereby continued and will be rescheduled to a later date by the judicial officer presiding over said case.

2. All nonessential court related travel for staff and judicial officers is canceled.

IT IS FURTHER ORDERED that to the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative Orders 2020-053 and 2020-064, this Administrative Order controls.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

April 16, 2020
Date



David M. Byrn, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on April 16, 2020.

16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Theresa Galvin, Legislative Chair
Members of the Legislature
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Prosecutor
Ruth Petsch, District Defender