

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

In Re: Updated Court Operations - Phase 2 under Supreme Court Operational Directives (effective June 23, 2020)

ADMINISTRATIVE ORDER 2020-108

WHEREAS, during the emergence of COVID-19 and its spread into a global pandemic, it has been and continues to be imperative and of great importance to the 16th Judicial Circuit (“Court”) that all appropriate steps be taken to protect the health and safety of all Court employees, all judicial officers, all attorneys, all litigants, all victims, all witnesses, all prospective jurors, all members of the general public and any other individuals or entities who have cases and hearings pending in the Court and/or have business with the Court; and

WHEREAS, while giving full consideration to the concerns stated above, the Court has also consistently considered the performance of its constitutional duties as the judicial branch of government, considering and balancing the rights of all parties and litigants to have their cases, hearings, disputes and matters heard and adjudicated; and

WHEREAS, as a result of and in response to the spread of COVID-19, the State of Missouri, Jackson County and various Mayors of cities in Jackson County, issued stay at home Orders and other emergency Orders which closed or limited certain governmental functions and which closed certain aspects of society and communities. However, said Orders also provided that Court operations were deemed to be essential governmental services and therefore, the Court remained open and operational during the term of said Orders, performing core judicial functions, often through remote technologies including video and telephone hearings and conferences; and

WHEREAS, the previously entered stay at home Orders and emergency Orders have been lifted or terminated and/or have been replaced with Orders allowing for the phased and gradual re-opening of society, businesses, communities and the courthouses in which the Court operates, while also including continued restrictions to minimize the potential spread of COVID-19; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, social distancing guidelines remain in effect, which guidelines recommend, suggest or require a minimum separation distance of 6 feet between people as a way to minimize the spread of the COVID-19 virus; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, limitations on the size of groups that may gather at any one time and in any one location remain in effect, although the size of allowed gatherings continues to grow and expand; and

WHEREAS, the Missouri Supreme Court has issued several Orders regarding court operations, the most recent of which includes Operational Directives related not only to considering strategies to prevent the spread of COVID-19, but also directives which provide for a phased approach toward easing restrictions related to court operations, with a clear intent to move toward more complete court operations; and

WHEREAS, notwithstanding the Court commencing a slow, deliberate plan moving toward more complete court operations pursuant to Missouri Supreme Court Orders, the Court's operations will continue to be significantly modified; and

WHEREAS, circumstances regarding COVID-19 have changed since the Court's issuance of prior Administrative Orders related to court operations; and

WHEREAS, the Missouri Supreme Court has continued to authorize the Presiding Judge of each Circuit to facilitate local solutions regarding the continuation and/or restoration of court operations, while also considering and maintaining a certain degree of uniformity; 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 Operating Directives; and

WHEREAS, the Court operates in numerous buildings and courthouses, including the Kansas City Courthouse, the Eastern Jackson County Courthouse, the Family Justice Center, the Albert Riederer Community Justice Complex and the Community Justice Building (herein collectively referred to as the "Court Buildings"); 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. The Court will follow the Operational Directives and criteria set forth by the Missouri Supreme Court as it works toward restoration of court operations, including the utilization of local solutions appropriate to local conditions.

2. The Court will submit to the Missouri Supreme Court in a regular and timely manner, "Exhibit A, Notice to the Supreme Court of Missouri of Higher/Lower Operating Phase" as set forth in and referenced in the Supreme Court's Order dated May 4, 2020, effective May 16, 2020. 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.

3. Effective June 23, 2020, the Court will operate under Phase 2 of the Missouri Supreme Court's Operational Directives.

4. 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 not require the physical presence of persons in Court Buildings. The Court will limit in person proceedings as much as possible.

5. Subject to the provisions of paragraph 4 above, in person proceedings *may occur but only in very limited and extreme circumstances* for critical 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 Court Buildings. *In person hearings should be continue to be conducted as a last resort* when all other alternative methods to proceed have failed.

6. The Court Administrator has previously 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. Those procedures shall

remain in place as alternatives to pro se litigants filing said documents personally at the courthouses.

7. 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.

8. 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.

9. The Court will continue to schedule in person hearings on full orders of protection and will add dockets for conducting said hearings, subject to social distancing requirements, limitations on the size of gatherings as set forth in the applicable Operational Directives and other limitations set forth in this Administrative Order. The in person hearings on full orders of protection that have previously been continued by prior Administrative Orders will be re-scheduled by the Court and if possible, given priority regarding hearing dates. Given the previous suspension of said hearings, all Ex Parte Orders of Protection currently in existence will be extended by operation of this Administrative Order until the full order of protection hearing can be scheduled and actually occurs. In addition, because of the backlog of Order of Protection cases, all Ex Parte Orders of Protection entered subsequent to this Administrative Order which are not able to be heard within 14 days of the entry of the Ex Parte Order, will be extended by operation of this Administrative Order until a full order of protection hearing can be scheduled and actually occurs. 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.

10. 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.

11. While this Administrative Order remains in effect, 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.

12. The Court Administrator/Deputy Court Administrator will continue to provide programming operated by the Family Court Services, *provided however*, that said programming can proceed in compliance with the Operational Directives, social distancing requirements, limitations on sizes of gatherings, other terms of this Administrative Order and guidelines of the Centers for Disease Control and Prevention.

13. 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. However, many Municipal Courts in Jackson County, Missouri operate in facilities that are not specifically dedicated to court operations, but rather are shared with different government offices and facilities, many of which operate under different and occasionally more restrictive guidelines and protocols. Therefore, Municipal Courts shall have the discretion to determine the level of court operations they can attain under the unique, specific circumstances presented and applicable to each such court.

14. The provision of Circuit Court Local Rule 68.3.1 which requires that *each* party be represented by separate counsel, shall remain 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.

15. All nonessential court related travel for staff and judicial officers shall continue to remain suspended.

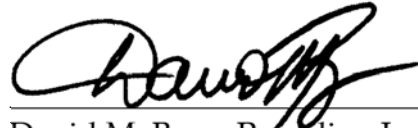
16. All Court staff and all members of the public who appear at any Court Building for hearings and/or to conduct any court-related business, shall comply with all screening requirements and/or other requirements to mitigate against the spread of COVID-19 which are imposed at all Court Buildings, including but not limited to temperature checks and medical screenings in order to enter any Court Building, wearing masks or other face coverings as a condition to enter any Court Building, wearing masks or other face coverings in all public areas in all Court Buildings and social distancing.

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, this Administrative Order controls.

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

IT IS SO ORDERED.

June 22, 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 June 22, 2020.

16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Prosecutor
Ruth Petsch, District Defender

**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 June 23, 2020, the 16th Circuit will be operating under the terms of Phase 2 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 2020-108, effective June 23, 2020.

Mark all that apply:

Entire Judicial Circuit; or

Jackson County; and/or

Municipal Division(s) of _____ within the Circuit.

Dated: June 22, 2020



(Presiding Judge)