

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
16<sup>TH</sup> JUDICIAL CIRCUIT, STATE OF MISSOURI**

**In Re: Updated Court Operations under Supreme Court Operational Directives  
- Effective November 11, 2020**

**THIS ORDER PERTAINS ONLY TO COURT OPERATIONS AT THE  
ALBERT RIEDERER COMMUNITY JUSTICE COMPLEX  
Albert Riederer Community Justice Complex (“Criminal A”) to operate at  
Phase 1**

**ADMINISTRATIVE ORDER 2020-195**

**WHEREAS**, the 16<sup>th</sup> Judicial Circuit (“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**, on October 9, 2020, the Court issued Administrative Order 2020-174 regarding Court operations at all courthouses, Court Buildings and Municipal Courts where hearings and conferences are conducted. Said Administrative Order was issued pursuant to Missouri Supreme Court’s Operations Directives dated July 24, 2020. Said Administrative Order continues to address Court operations at the Albert Riederer Community Justice Complex (hereinafter “Criminal A”); 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 Criminal A which, pursuant to the Supreme Court’s Operational Directives, require moving Court operations within Criminal A to Phase 1; and

**WHEREAS**, the circumstances requiring the change set forth in this Administrative Order are limited to Court operations at Criminal A; and

**WHEREAS**, all terms of prior, applicable Administrative Orders pertaining to Court operations at the Kansas City Courthouse, Eastern Jackson County Courthouse,

Family Justice Center and various municipal courts in different cities and various buildings throughout the 16<sup>th</sup> Judicial Circuit, shall remain in effect as set forth in prior applicable Administrative Orders; 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; 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 16<sup>th</sup> Judicial 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 Criminal A. Any terms of Administrative Order 2020-174 applicable to court operations at Criminal A which are not specifically modified by this Order, shall remain in effect.
2. Court operations at the Kansas City Courthouse, Eastern Jackson County Courthouse, Family Justice Center and various municipal courts in different cities and various buildings throughout the Circuit are NOT affected by this Administrative Order.
3. Effective November 11, 2020, Criminal A will operate under Phase 1 of the Missouri Supreme Court's Operational Directives.
4. Large venues and common areas such as break rooms should be closed in Criminal A. Occupancy rates in courtrooms and any other areas in Criminal A shall be kept at 10 or less whenever possible and shall 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.

5. 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 Criminal A. 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.

6. 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 Criminal A for in person proceedings.

7. Subject to the provisions of paragraph 6 above, in person proceedings *may occur but in 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 Criminal A. *In person hearings may be conducted* when other alternative methods to proceed have failed or are otherwise not available.

8. In all criminal cases pending in Criminal A 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 into Criminal A 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 Criminal A 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.

9. 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.

10. All Court staff and all members of the public who appear at Criminal A 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 Criminal A, wearing masks or other face coverings as a condition to enter Criminal A, wearing masks as set forth in this Order and social distancing.

11. The Court has been conducting in person hearings on cases requesting orders of protection, subject to social distancing requirements, the requirement of wearing masks or other face coverings, limitations on the size of gatherings as set forth as set forth in the applicable Operational Directives and other limitations set forth in this Administrative Order. Hearings on said cases requesting orders of protection may continue to be held in person, *provided however that all said hearings continue to be subject to social distancing requirements, the requirement of wearing masks or other face coverings, limitations on the size of gatherings as set forth as set forth in the applicable Operational Directives and other limitations set forth in this Administrative Order.* Dockets shall be modified as necessary to comply with social distancing requirements and limitations on size of crowds to 10 persons or less. If hearings on full Orders of Protection are required to be continued because of any limitations imposed in Phase 1, any Ex Parte Orders of Protection currently in existence in said cases will be extended by operation of this Administrative Order until the full order of protection hearing can be scheduled and actually occurs.

Any in person hearings on full orders of protection that were previously continued by prior Administrative Orders and have not yet been heard, will be re-scheduled by the Court and if possible, given priority regarding hearing dates. Given the previous suspension of hearings and the resulting delays, 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. If any Ex Parte Orders of Protection entered subsequent to this Administrative Order are not able to be heard within 14 days of the entry of the Ex Parte Order, 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.

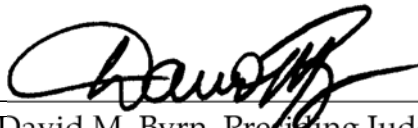
Nothing in this Administrative Order bars or prevents holding hearings on full orders of protection via teleconference or videoconference. Therefore, if all parties in a

particular case are available to allow said hearing to be conducted via teleconference or videoconference, said hearing shall proceed in that manner.

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

**IT IS SO ORDERED.**

November 12, 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 November 12, 2020.

Missouri Supreme Court  
16<sup>th</sup> 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 16<sup>th</sup> Judicial Circuit


*Michelle Ryan*

**16<sup>TH</sup> 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 16<sup>th</sup> Judicial Circuit Court, hereby notify the Supreme Court of Missouri that effective November 11, 2020, the Albert Riederer Community Justice Complex (hereinafter "Criminal A") of the 16<sup>th</sup> 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 2020-195, effective November 11, 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: November 12, 2020

  
\_\_\_\_\_  
David M. Byrn, Presiding Judge