

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

IN RE: Family Court Operations during Covid-19 ADMINISTRATIVE ORDER: 20-05
Stay at home/Shelter in Place Order

ORDER

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the Jackson County Executive has declared a state of emergency; 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 that will go in effect at 12:01 a.m. on Tuesday, March 24, 2020 and remain in effect for at least 30 days and that during this time all non-essential businesses will be closed and all non-essential personnel will be asked to work from home; 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 March 22, 2020, the Presiding Judge entered Administrative Order 2020-064, specifically referencing Missouri Supreme Court Orders dated March 16 and March 22, 2020, which suspends all in-person proceedings with certain identified exceptions; and

WHEREAS, Administrative Order 2020-064, applies to all proceedings in Family Court and states in relevant part:

...

IT IS HEREBY ORDERED, effective at 12:01 a.m. on Tuesday, March 24, 2020, and continuing through 5:00 p.m. on Friday, April 24, 2020, unless modified or extended in a subsequent administrative order, as follows:

1. The Court shall remain open and operational. However, 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, Zoom or any other method that does not require the physical presence of persons in Court Buildings.

2. Notwithstanding the prohibition on in-person proceedings, hearings or conferences as set forth above in paragraph 1, in-person proceedings *may* be held

in the following matters, subject to the requirements set forth below, *provided however*, that said in-person proceedings, hearings or conferences shall be held in limited and extreme circumstances only and based on a determination that alternative methods for conducting said hearings cannot occur;

- ...
- (g) Protective custody hearings pursuant to Chapter 211;
- (h) Detention hearings pursuant to Chapter 211;
- ...
- (j) Emergency medical neglect hearings pursuant to Section 211.166 RSMo;
- ...
- (l) Any other hearing necessary to protect the constitutional rights of criminal defendants and juveniles. (*which includes hearings for juveniles held in judicial custody within the Juvenile Detention Center* (added))

Although in-person hearings or conferences *may* be conducted for the above listed proceedings, it is strongly encouraged and recommended that, to the maximum extent possible, the above listed proceedings, hearings or conferences be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in Court Buildings.

In the event the Judicial Officer presiding over any proceedings described above determines: (a) that there is no reasonable alternative to an in-person hearing or conference and therefore an in-person hearing or conference is required; and (b) that the physical appearance of attorneys, parties, witnesses, interested third parties, guardians ad litem, children's division workers, law enforcement officers or any other individual(s) is/are required and whose appearance cannot be satisfied by telephone or videoconference, then the in-person hearing or conference shall proceed.

...

IT IS THEREFORE ORDERED that the above listed Family Court hearings shall be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in the Family Court Building.

IT IS FURTHER ORDERED that the parties to the above listed Family Court hearings shall be provided with detailed instructions on how to participate in the hearing via telephone, polycom, videoconferencing, Zoom or any other method.

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 hearings.

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 hearings.

IT IS FURTHER ORDERED that in the rare-occurrence that a Judicial Officer determines that no reasonable alternative to an in-person hearing exist, the Judicial Officer shall notify the parties 24-hours in advance that they will be conducting an in-person hearing.

IT IS FURTHER ORDERED, in the best interests of the children, that all other hearings, not listed above will be continued and re-scheduled by the individual Judicial Officer after April 24, 2020.

IT IS FURTHER ORDERED, that all proceedings pursuant to Revised Missouri Statute Chapter 453 pertaining to adoptions shall be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in Family Court Building and shall be scheduled by the Administrative Judge.

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, Zoom 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 April 24, 2020, unless extended by further order of the Court.

IT IS SO ORDERED.

March 23, 2020
Date



JALILAH 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


