

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

**In Re: Updated Court Operations under Supreme Court Operational Directives
- Effective October 9, 2020
CHANGES IN OPERATING PHASES FOR SOME COURTHOUSES**

**Eastern Jackson County Courthouse to operate at Phase 3 - No change
from prior Administrative Orders**

**Kansas City Courthouse to operate at Phase 2 - Changed from prior
Administrative Orders**

**Family Justice Center to Operate at Phase 3 - Changed from prior
Administrative Orders**

**Albert Riederer Community Justice Complex to Operate at Phase 3 -
Changed from prior Administrative Orders**

**Municipal Court facilities to operate at Phases 1, 2 or 3 - Changed from
prior Administrative Orders**

ADMINISTRATIVE ORDER 2020-174

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, Court operations are essential governmental services and therefore, the Court has remained open and operational during the entire COVID-19 pandemic, performing core judicial functions, often through remote technologies including video and telephone hearings and conferences; and

WHEREAS, the Missouri Supreme Court has issued several Orders and related Operational Directives regarding court operations which include strategies to prevent the spread of COVID-19 and directives which provide a phased approach toward easing restrictions related to court operations and expanding court operations; and

WHEREAS, on July 24, 2020, the Missouri Supreme Court issued its most recent Order pertaining to court operations, including Operational Directives as part of that Order. Among other provisions, the July 24, 2020 Operational Directives allow a presiding judge to “change [the] Operating Phase for each court facility [within a circuit] in which judicial functions are carried out”; and

WHEREAS, the 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”). At this time, those various Court Buildings and Municipal Courts are operating in different Phases; and

WHEREAS, Administrative Order 2020-155 is the most recent Administrative Order establishing operating phases for Court Buildings and Municipal Courts, except for the Kansas City Courthouse. Administrative Order 2020-166 is the most recent Administrative Order establishing the operating phase for the Kansas City Courthouse. Both of said Administrative Orders are now superseded by this Administrative Order; 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. Additionally, unique factors and circumstances also exist in different Court Buildings and Municipal Courts which are a part of the continuing re-evaluation of court operations within those specific Court Buildings and Municipal Courts; and

WHEREAS, even as previously entered executive Orders and emergency Orders have been modified, lifted or terminated, some restrictions continue to exist to minimize the spread of COVID-19, including but not limited to limitations on size of crowd gatherings, social distancing, 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 the wearing of masks or other face coverings; and

WHEREAS, notwithstanding the Court continuing a deliberate plan moving toward more complete court operations pursuant to Missouri Supreme Court Orders, the Court’s operations continue to be modified; 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, 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 Circuit as well as administrative authority over dockets of the Court and 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 complete 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. 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 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 October 9, 2020, the Court will operate at the following phases of the Missouri Supreme Court's Operational Directives:

- A. Kansas City Courthouse - Phase 2;
- B. Eastern Jackson County Courthouse - Phase 3;
- C. Family Justice Center - Phase 3;
- D. Albert Riederer Community Justice Complex - Phase 3;
- E. Municipal Courts within the Circuit - Phase 1, Phase 2 or Phase 3, pursuant to an evaluation of circumstances unique to each Municipal Court.

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 minimize, as much as possible, the physical presence of persons in Court Buildings or Municipal Courts for in person proceedings.

5. Subject to the provisions of paragraph 4 above, for Court Buildings and Municipal Courts operating in Phase 1 or 2, 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 Court Buildings or Municipal Courts. *In person hearings may be conducted* when other alternative methods to proceed have failed or are otherwise not available.

6. For Court Buildings and Municipal Courts operating in Phase 3, in addition to the provisions of paragraph 4 above, the Court may also fully resume or continue with in person proceedings, including grand jury and petit jury proceedings, in compliance with the provisions of the Supreme Court’s Operational Directives and the terms of this Administrative Order.

7. 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. Municipal Courts should develop similar procedures for pro se litigants.

8. 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:

A. Said defendant shall be personally transported to Court Buildings so that said defendant is personally present for jury selection and jury trial;

B. Said defendant shall be personally transported to Court Buildings or Municipal Courts for any hearing or conference where the defendant’s personal appearance/presence is required by statute, rule or

constitutional provision *and* said hearing is required to immediately proceed;

C. Said defendant shall *not* be personally transported to or brought into Court Buildings or Municipal Courts for any hearing or conference other than those specifically identified in paragraphs A and B above. All hearings and conferences other than those specifically identified above in paragraphs A and B 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. The Court has been and will continue to schedule in person hearings on full orders of protection, with said hearings being 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. 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.

11. 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 30 days after the date provided at the time the defendant bonds out of the detention center.

12. 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.

13. 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.

14. 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. 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.

15. 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 Jointly 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.

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

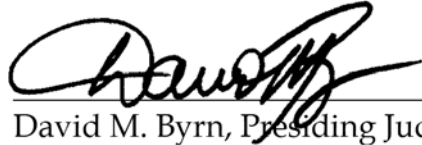
17. All Court staff and all members of the public who appear at any Court Building or Municipal Court for hearings and/or to conduct any court-related business, shall comply with all screening requirements and/or other requirements to mitigate against the spread of COVID-19 which are imposed at all Court Buildings and Municipal Courts, 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 or Municipal Court, wearing masks or other face coverings in all public areas in all Court Buildings and Municipal Courts 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, the prior Administrative Orders are superseded and this Administrative Order controls.

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

IT IS SO ORDERED.

October 9, 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 October 9, 2020.

Missouri Supreme Court
16th 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 16th Judicial Circuit

Michelle Morgan

**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 October 9, 2020, the 16th Circuit will be operating under the terms of the following Phases 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 2020-174, effective October 9, 2020.

Kansas City Courthouse - Phase 2;

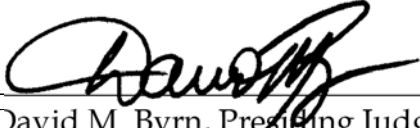
Eastern Jackson County Courthouse - Phase 3;

Family Justice Center - Phase 3;

Albert Riederer Community Justice Complex - Phase 3;

Municipal Courts within the Circuit - Phase 1, Phase 2 or Phase 3, pursuant to circumstances unique to each Municipal Court.

Dated: October 9, 2020



David M. Byrn, Presiding Judge