

**IN THE 17TH JUDICIAL CIRCUIT COURT
CASS AND JOHNSON COUNTIES, MISSOURI**

Administrative Order 2020 - 0322

AMENDED ORDER

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the President of the United States has declared a nationwide State of Emergency and the Governor of the State of Missouri has declared a statewide State of Emergency ; and

WHEREAS, it is imperative to take steps to protect the health and safety of all employees of the 17th Judicial Circuit, all judicial officers and all attorneys and parties who have court hearings or other business in this Judicial Circuit while also balancing the rights of all said individuals and parties to litigation; and

WHEREAS, it is appropriate and necessary to take quick action to reduce the possibility of exposure to COVID-19 and to reduce the spread of COVID-19; and

WHEREAS, the unprecedented circumstances existing at this time warrant this administrative action; and

WHEREAS, countless governmental entities and private businesses have implemented numerous immediate actions and modifications to their normal course of business; and

WHEREAS, notwithstanding the fact that the Court will 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 and any other individuals or entities who have cases and hearings pending in Court, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court will remain open, the Court's operations are and will be significantly modified during the term of the outbreak; and

WHEREAS, a large gathering of individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the Missouri Supreme Court entered an Order dated March 16, 2020 together with other Orders regarding on-going court operations and his 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 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 appearing; and

WHEREAS, circumstances regarding COVID-19 have changed dramatically since the March 16, 2020 Order of the Missouri Supreme Court, necessitating the Missouri Supreme Court's entry of a new Order dated March 22, 2020. The changes include but are not limited to those circumstances set forth in the Court's Order, regarding the spread of COVID-19; and

WHEREAS, the 17th Judicial Circuit Court operates in the following buildings:

1. Cass County Justice Center, 2501 W Mechanic, Harrisonville, MO 64701
2. Johnson County Justice Center, 101 W Market St, Warrensburg, MO 64093

These two 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 at 12:01 a.m. 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;
 - a. Initial Appearance hearings;

- b. Mandatory bond review hearings;
- c. Emergency child custody hearings;
- d. Petitions for temporary restraining orders or others forms of emergency temporary injunctive relief;
- e. Emergency mental health hearings;
- f. Emergency guardianship or conservatorship hearings;
- g. Protective custody hearings pursuant to Chapter 211;
- h. Detention hearings pursuant to Chapter 211;
- i. Judicial By Pass hearings;
- j. Emergency medical neglect hearings pursuant to Section 211.166 RSMo;
- k. Any emergency hearings directly related to the COVID-19 public health emergency;
- l. Proceedings pursuant to Chapter 455 pertaining to orders of protection;
- m. Any other hearing necessary to protect the constitutional rights of criminal defendants and juveniles.

Although in-person hearings and 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 that 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.

In the event an in-person hearing or conference is to 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 person:
 - a. Judicial Officers and employees of the Court;
 - b. Those individuals specifically identified by the 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 Circuit Clerk and whose entry into Court Buildings is necessary for continuous operation of the Court;
- d. Elected officials and their staff.

Anyone attempting to enter Court Buildings in violation of these protocols will be denied entry by 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, please contact the Division Clerk or:
 - a. Cass County Court's website at www.casscounty.com Elected Officials, Circuit Clerk/Courts for contact information;
 - b. Johnson County Court's website at www.jococourthouse.com, county offices, Johnson County MO Courts for contact information;
 - c. If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's office:
 - a. Cass County (816)380-8227
 - b. Johnson County (660)422-7413
 - d. If you are a prospective Juror, please contact the Jury line:
 - a. Cass County (816)380-8202
 - b. Johnson County (660)422-7416
 - e. If you are seeking an Order of Protection regarding adult/child abuse please contact:
 - a. Cass County (816)380-8227
 - b. Johnson County (660)422-7413
 - f. For Prosecuting Attorney matters, please contact their offices at:
 - a. Cass County (816)380-8250
 - b. Johnson County (660)422-7400
 - g. For Sheriff matters, please contact their main line at:
 - a. Cass County (816)380-5200
 - b. Johnson County (660)747-6469
4. The Circuit Clerk of each County is ordered to establish procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the Court, including by not limited to Petitions for Orders of Protection. This may include receiving faxed documents, receiving emailed documents, placing a public access computer terminal at an entrance to the courthouse so further entry is not necessary, creating drop boxes at designated entries to Court Buildings or other methods for pro se litigants to have continuous access to the Court. As soon

as those procedures are finalized they will be posted on Court Building doors and posted on each Court's website.

5. The Circuit Clerk of each County is ordered and authorized to suspend the impaneling of all jurors beginning March 24, 2020 through May 1, 2020. All jury trials scheduled for those weeks are hereby continued and will be rescheduled to a later date.
6. In all criminal cases where the defendant is in detention at the Cass County or Johnson County Detention Centers or otherwise in custody at any other detention center or at any other prison, said defendants shall not be personally transported to or brought into court for any hearing. All hearings regarding any such defendants shall be conducted via videoconferencing, including initial appearance and arraignment hearings.
7. The Circuit Clerk of each county and their staff shall be responsible for notifying all parties and counsel if the cases/dockets are being postponed/continued or if the cases/dockets are not being postponed/continued, of the manner in which hearings will be held. If cases/dockets are postponed/continued, the Circuit Clerk of each county and their staff shall be responsible for re-scheduling new hearing dates.

NOTICE IS HEREBY GIVEN THAT ALL HEARINGS AND CONFERENCES THAT ARE NOT EXPRESSLY LISTED ABOVE ARE CONTINUED UNTIL FURTHER NOTICE OR ORDER OF THE COURT, UNLESS THE JUDICIAL OFFICER ASSIGNED TO A PARTICULAR CASE SPECIFICALLY NOTIFIES ATTORNEYS AND PARTIES THAT THE HEARING OR CONFERENCE WILL PROCEED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ADMINISTRATIVE ORDER.

8. Based on current circumstances, including but not limited to the ban on gatherings and the safety of parties, employees, security personnel and others, the Court has determined that it is not possible to proceed with hearings on full orders of protection. And for good cause, all hearings on full orders of protection that are scheduled are now continued sixty days from the date of the scheduled hearings. All Ex Parte Orders of Protection currently in existence will be extended by operation of this Administrative Order until the new hearing date.
9. All Ex Parte Orders of Protection currently in existence and all Ex Parte Orders of Protection that are entered through April 24, 2020 will be extended by operation of this Administrative Order until the new hearing date.
10. When a defendant in a pending criminal case bonds out of the Cass County or Johnson County Detention Centers, 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. All nonessential court related travel for staff and judicial officers is canceled through April 30, 2020.
12. All municipal courts of the 17th Circuit Court of 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.
13. To the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative orders 2020-0316, 2020-0316a, 2020-0316b and 2020-0316c, this Administrative Order controls.

IT IS SO ORDERED.

March 24, 2020

Date

A handwritten signature in black ink, appearing to read "Will Collins". The signature is written in a cursive, flowing style.

Honorable William B. Collins
Presiding Judge of the 17th Judicial Circuit