

IN THE SECOND JUDICIAL CIRCUIT OF MISSOURI

**SUPPLEMENTAL ADMINISTRATIVE ORDER
REGARDING
COVID-19 COURT OPERATIONS**

WHEREAS, the Center for Disease Control and Prevention has declared that the outbreak of COVID-19 is a worldwide pandemic, and the President of the United States and the Governor of Missouri have declared national and state emergencies; and

WHEREAS, the continuing operation of the Courts of the Second Judicial Circuit (“the Courts”) is deemed to be an essential governmental service and the Courts will remain open and operational during the term of the declared national and state emergencies; and

WHEREAS, notwithstanding the fact that the Courts will remain open, it is imperative that the Courts take steps to protect the health and safety of all employees of the Courts, all Judges, attorneys, litigants, victims, witnesses, and any other individuals or entities who have cases and hearings pending in the Courts, while also balancing the rights of all of said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court will remain open, the Courts’ operations are, and will be, significantly modified during the term of the declared emergencies; and

WHEREAS, the Missouri Supreme Court entered an Administrative Order dated March 16, 2020 together with other Orders regarding on-going court operations and has instructed courts in this state to “prepare for potential infection in their community” and to “consider strategies to prevent the spread of respiratory germs into, within, and between facilities”; and which Order has been modified by its Administrative Order entered on March 22, 2020; and

WHEREAS, the Missouri Supreme Court has suspended all in-person proceedings, with certain exceptions, and the Missouri Supreme Court has 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, the Second Judicial Circuit operates courtrooms and judicial offices in the following buildings:

- (1) Adair County Courthouse, 106 W. Washington, Kirksville, MO 63501
- (2) Knox County Courthouse, 107 N. Fourth Street, Edina, MO 63537
- (3) Lewis County Courthouse, 100 E. Lafayette, Monticello, MO 63457
- (4) Bruce Normile Juvenile Justice Center, 1400 S. Boundary, Kirksville, MO 63501

The court facilities and offices located in the foregoing buildings are hereby collectively referred to as the “Court Premises”; 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;

NOW, THEREFORE, EFFECTIVE IMMEDIATELY, AND CONTINUING UNTIL FURTHER ADMINISTRATIVE ORDER, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Courts 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, below, there shall be no in-person proceedings, hearings, or conferences held in Court Facilities. 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 on Court Premises.

2. Notwithstanding the prohibition of in-person proceedings, hearings, or conferences as set forth above in paragraph 1, and in accordance with the directives set forth in the Administrative Order of the Missouri Supreme Court entered on March 22, 2020, 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) Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights afforded under section 544.676.3;

(b) Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency, child abuse/neglect, and termination of parental rights;

(c) Proceedings pursuant to chapter 453 pertaining to adoption;

(d) Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;

(e) Proceedings pursuant to chapter 455 pertaining to orders of protection;

(f) Proceedings related to emergency child custody orders;

(g) Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;

(h) Proceedings related to emergency mental health orders;

(i) Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;

(j) Proceedings directly related to the COVID-19 public health emergency;

(k) Oral arguments regarding time-sensitive matters; and

(l) Other exceptions approved by the Chief Justice of the Missouri Supreme Court.

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

4. ALL HEARINGS AND CONFERENCES THAT ARE NOT EXPRESSLY LISTED ABOVE ARE CONTINUED UNTIL FURTHER NOTICE OR ORDER OF

THE COURT, UNLESS THE JUDGE 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.

5. In the event the Judge assigned to any case described in Paragraph 2, 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 is required, and whose appearance cannot be satisfied by telephone or videoconference, then the in-person hearing or conference shall proceed.

6. In the event an in-person hearing or conference is to occur, the Judge or his/her administrative staff shall be responsible for notifying Sheriff's Deputies or other security personnel at the Court Premises where the hearing or conference will occur (a) that an in-person hearing shall occur, and (b) shall provide Sheriff's Deputies or other security personnel with the names of any designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Premises for the designated in-person hearing. If 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 Court Premises for such hearing will be denied entry.

7. Entry to Court Premises shall be limited to the following persons:

- (a) Judges and employees of the Courts;
- (b) Those individuals specifically identified by a Judge as necessary for an in-person proceeding as required and set forth in paragraph 2 above.
- (c) Independent contractors, delivery persons and vendors who have permission to enter Court Premises from the Presiding Judge of the Circuit or and whose entry into Court Premises is necessary for continuous operation of the Courts. This Administrative Order is not intended to limit access to Court Premises as determined to be necessary or appropriate by the respective Sheriff of each county in the Second Circuit.

Anyone attempting to enter Court Premises in violation of this Order will be denied entry by Sheriff's Deputies or other security personnel.

8. Individuals not authorized to enter the Court Premises because of the restrictions listed above are provided the following contact information to have remote access to the administration of justice:

- (a) If represented by an attorney, they should contact their attorney;
- (b) Attorneys scheduled to appear in Court should contact the Circuit Clerk's Office in the county of their scheduled appearance as follows:
 - (i) Adair County Circuit Clerk at 660-665-2552;
 - (ii) Knox County Circuit Clerk at 660-397-2305;
 - (iii) Lewis County Circuit Clerk at 573-767-5352;
- (c) If any person needs information about the status of a case, they should consult Case.net or contact the appropriate Circuit Clerk's Office at the phone number listed above;

(d) Any person who is a prospective juror should contact the appropriate Circuit Clerk's Office at the phone number listed above;

(e) Any person seeking an Order of Protection regarding adult or child abuse should contact the appropriate Circuit Clerk's Office at the phone number listed above;

(f) For general information or information regarding other matters not listed above, please contact the Office of the Presiding Circuit Judge at 660-665-3145.

9. The Circuit Clerks shall establish procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the Courts, including but not limited to Petitions for Orders of Protection. This may include receiving faxed documents, creating drop boxes at designated entries to Court Premises, or other methods for pro se litigants to have continuous access to the Courts. As soon as those procedures are finalized they will be posted on Court Premises doors.

10. In all criminal cases where the defendant is in custody at any detention facility or 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 appearances and arraignment hearings.

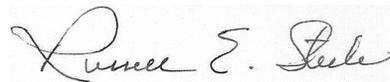
11. Each Judge and his/her division staff shall be responsible for notifying all parties and counsel if cases or dockets are being postponed or continued, and, if not continued, the manner in which such proceedings or hearings will be held. If cases or dockets are postponed or continued, each Judge shall be responsible for re-scheduling new hearing dates.

12. All nonessential court related travel for staff and Judges is canceled through April 30, 2020.

13. All Municipal Division Courts in the Second Judicial Circuit are subject to this Administrative Order and are ordered to take appropriate action consistent with this Order.

14. To the extent the directives, procedures, and protocols set forth in this Administrative Order are inconsistent with the Court's prior Administrative Order entered on March 17, 2020, this Administrative Order controls.

IT IS SO ORDERED this 25th day of March, 2020.



Russell E. Steele, Presiding Judge
Second Judicial Circuit