

**IN THE 21th JUDICIAL CIRCUIT COURT
STATE OF MISSOURI**

**In Re: COURT OPERATIONS DURING COVID-19
STAY AT HOME ORDER**

ADMINISTRATIVE ORDER 26

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the St. Louis County Executive has declared a state of emergency; and

WHEREAS, the St. Louis County Executive announced a Stay-At-Home Order for all residents and businesses in St. Louis County, Missouri that went into effect at 12:01 a.m. on Monday, March 23, 2020 and is to remain in effect until April 22, 2020, 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, the continuing operation of the 21st Judicial Circuit Court (“Court”) is deemed to be an essential governmental service and therefore, the Court will remain open and operational during the term of the Stay-At-Home Order; 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 Stay-At-Home Order; and

WHEREAS, the Missouri Supreme Court entered Orders dated March 16, 2020, March 22, 2020 and April 1, 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

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 new Orders dated March 22, 2020 and April 1, 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 the issuance of the Stay-At-Home Order in St. Louis County; 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. on Monday, April 06, 2020, and continuing through 5:00 p.m. on Friday, May 1, 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 in St. Louis County. 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) 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) Initial Appearance hearings in criminal matters;
- (c) Mandatory bond review hearings;
- (d) Orders of Protection pursuant to Chapter 455, including indirect criminal contempt proceedings;
- (e) Emergency child custody hearings;
- (f) Petitions for temporary restraining orders or other forms of emergency temporary injunctive relief;
- (g) Emergency mental health hearings;

- (h) Emergency guardianship or conservatorship hearings; Ninety-Six (96) Hour Detention, Evaluation and Treatment/Evaluation (Hold);
- (i) Emergency guardianship or conservatorship hearings;
- (j) Protective custody hearings pursuant to Chapter 211;
- (k) Detention hearings pursuant to Chapter 211;
- (l) Emergency medical neglect hearings pursuant to Section 211.166, RSMo;
- (m) Any emergency hearings directly related to the COVID-19 public health emergency;
- (n) Oral arguments or hearings regarding time sensitive matters; and
- (o) Any other hearing necessary to protect the constitutional rights of criminal defendants and juveniles.

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.

3. Entry to court buildings shall be limited to the following persons:

- (a) Judicial Officers and employees of the Court;
- (b) Those individuals specifically identified by a Judicial Officer or a parties' attorney as necessary for an in-person hearing as required and set forth in Paragraph 2 above. *Pro se* parties may notify the court bailiffs of witnesses whom they seek to call for their hearings; the bailiffs will then notify the appropriate court personnel; and

- (c) Independent contractors, delivery persons and vendors who have permission to enter court buildings from either the Presiding Judge of the Court or the Director of Judicial Administration and whose entry into court buildings is necessary for continuous operation of the Court. This Administrative Order is not intended to limit access to court buildings as determined to be necessary or appropriate by the St. Louis County Executive.

- (d) Persons petitioning the Probate Court for a Ninety-Six (96) Hour Detention, Evaluation and Treatment/Evaluation (Hold) may enter the St. Louis County Courthouse for the limited purposes of obtaining an application for a Ninety-Six (96) hour Hold and /or filing an application for a Ninety-Six (96) Hour Hold.

Anyone attempting to enter court buildings in violation of these protocols will be denied entry by St. Louis County Court 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 with any questions;

(b) If you are an attorney scheduled to appear in Court before a Circuit or Associate Circuit Judge or a Commissioner, please contact the Division Clerk or contact the Court's website at <https://wp.stlcourtscourts.com> for court chambers contact information;

(c) If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's Office 314-615-8029;

(d) If you are seeking an Order of Protection regarding adult/child abuse, please contact the Adult Abuse Office at 314-615-4725. If you are seeking an order of protection, your local police department or St. Louis County Police precincts may be able to assist you. Additional resources may be found on the Court's website at <https://wp.stlcourtscourts.com/family-court/adult-abuse-domestic-violence-court>;

(e) For St. Louis County Prosecuting Attorney matters, please contact the St. Louis County Prosecuting Attorney's office at (314) 615-2600; and

(f) For St. Louis County Public Defender matters, please contact the Missouri Public Defender's St. Louis County Office at (314) 615-4778.

The Director of Judicial Administration is ordered to establish procedures and protocols for *pro se* litigants to deliver and/or file pleadings and other documents with the Court. This may include receiving faxed documents and 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 the Court's website at <https://wp.stlcourtscourts.com>.

4. The Director of Judicial Administration is ordered and authorized to suspend the impaneling of all jurors for the weeks of April 6, 2020 through May 1, 2020. All jury trials scheduled for those weeks are hereby continued and will be rescheduled to a later date.

5. In all criminal cases where the defendant is in detention at the St. Louis County Justice Center or otherwise in custody at any other detention center in St. Louis County or at any other facility, 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.

6. Each judicial officer and his/her division 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, each judicial officer and his/her division staff shall be responsible for rescheduling 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.

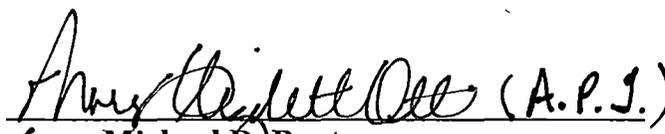
7. All nonessential court-related travel for staff and judicial officers is canceled through April 30, 2020.

8. All municipal courts in St. Louis County, Missouri are subject to this Administrative Order and specifically Administrative Orders 23 and 24 and are encouraged to take appropriate action consistent with this Administrative Order and Centers for Disease Control and Prevention guidelines.

9. To the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative Orders 13 and 19, this Administrative Order controls.

**THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.
IT IS SO ORDERED.**

April 6, 2020



for - Michael D. Burton
Presiding Judge, 21st Judicial Circuit
St. Louis County, Missouri