

**FORTY-THIRD JUDICIAL CIRCUIT**  
en banc

April 10, 2020  
Effective April 10, 2020

**Administrative Order**

**IN RE: COVID-19 protocol for warrants, extraditions, service of process and medical furloughs**

**WHEREAS:** Authorities have declared states of emergency at national and state level following the classification of COVID-19 as a pandemic; and

**WHEREAS:** The Supreme Court of Missouri has suspended all in-person proceedings in all appellate and circuit courts including all associate, family, juvenile, municipal, and probate divisions, through **May 1, 2020**. This suspension may be extended by the Supreme Court of Missouri as circumstances may warrant. Said suspension is subject to the following

**EXCEPTIONS:**

1. Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles.
2. Proceedings in which civil or criminal jury trials were already in progress as of March 16, 2020.
3. Proceedings pursuant to Chapter 455 pertaining to orders of protection.
4. Proceedings related to emergency child custody orders.
5. Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief.
6. Proceedings related to emergency mental health orders.
7. Proceedings pursuant to Chapter 475 regarding emergency guardianship or conservatorship.
8. Proceedings directly related to the COVID-19 public health emergency.
9. Oral arguments regarding time-sensitive matters.
10. Other exceptions approved by the Chief Justice of the Supreme Court.

**WHEREAS:** The implementation of the following protocol is necessary to combat the spread of the disease and for the protection of the public for the risks associated with the pandemic.

**IT IS HEREBY ORDERED,** effective immediately through **May 1, 2020** unless otherwise extended by subsequent administrative order:

1. Service of process by the Sheriffs of Caldwell, Clinton, Daviess, DeKalb, and Livingston Counties on all civil matters not falling within the above exceptions is hereby suspended until further notice, except for good cause shown.

2. Service of process by the Sheriffs of Caldwell, Clinton, Daviess, DeKalb, and Livingston Counties on all subpoenas in criminal cases is hereby suspended until further notice.
3. If the Sheriff of Caldwell, Clinton, Daviess, DeKalb, or Livingston County determines that extradition of an individual, within or without the State, or service of any warrant issued by a Judge of this Court, will expose the Sheriff's personnel or inmates within the county jail to a pandemic disease, they may seek emergency leave of the Court to delay or suspend extradition or service through a motion made by the prosecuting attorney prior to accepting extradition or rendering service. Rulings on such motions shall come before the issuing Judge and be ruled on in an expedited manner.
4. For all warrants for failure to appear on pending misdemeanors (excepting driving while intoxicated, sex offenses, domestic assault, and violation of orders of protection) and infractions, the Sheriffs of Caldwell, Clinton, Daviess, DeKalb, and Livingston Counties may, at their discretion, release the defendant without processing the warrant with the following conditions: the defendant shall provide their current address and telephone number to the Sheriff, who shall forthwith provide such information to the Circuit Clerk. Upon such release, the Sheriff shall provide the defendant with a new court date for the defendant to appear voluntarily. Said appearance date shall be communicated to the Circuit Clerk.
5. If the Sheriff of Caldwell, Clinton, Daviess, DeKalb, or Livingston County determines that an inmate within the county jail is not medically fit for confinement or is at risk of infecting other inmates or the Sheriff's personnel with a pandemic disease, they may seek leave of the Court for an emergency medical furlough through a motion filed by the prosecuting attorney. The Judge of record for said defendant shall rule on said motion in an expedited manner at any time and place.
6. Nothing in this Order shall be interpreted to supplant or negate the procedures set forth in Sections 221.040 or 221.130 RSMo.
7. Hearings pursuant to Supreme Court Rule 33.01 shall be conducted with all reasonable expedition.
8. The Circuit Clerks of Caldwell, Clinton, Daviess, DeKalb, and Livingston Counties shall mail all requests for summonses in misdemeanor and traffic cases to the address of record of the defendant instead of personal service through the Sheriff's Department.

Day-to-Day



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R. Brent Elliott  
Presiding Judge