

**IN THE FORTY-SECOND JUDICIAL CIRCUIT, STATE OF MISSOURI
COUNTIES OF CRAWFORD, DENT, IRON, REYNOLDS AND WAYNE**

ADMINISTRATIVE ORDER 2020-09

In Re: COVID-19

This Order supersedes this Court's Order regarding COVID-19 dated April 20, 2020 (AO #2020-08).

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic; and

WHEREAS, the Missouri Supreme Court has instructed Courts in this state, pursuant to Missouri Supreme Court Administrative Order 1799, to suspend all in-person proceedings in all appellate and circuit courts – including all associate, family, juvenile, municipal, and probate divisions from **Tuesday, March 17, 2020, through Friday, May 15, 2020**, and this may be extended by the Supreme Court as the circumstances may warrant, with specific noted exceptions where a proceeding may be considered essential to protecting litigants' constitutional rights and liberties; and

WHEREAS, the Missouri Supreme Court issued Operational Directives dated May 4, 2020, effective May 16, 2020, whereby the Presiding Judge of each circuit court will determine, based on certain Gateway Criteria, when the circuit will progress from its current Operating Phase 0, to Phases 1, 2 and 3; and

WHEREAS, the municipal, associate circuit and circuit courts in the 42nd Judicial Circuit of Missouri will progress to Phases 1, 2 and 3 only if local COVID-19 conditions continue to stay the same or improve, and it can implement sufficient procedures to ensure the safety of every litigant, juror, witness, victim, judicial employee, attorney and other individual involved in judicial proceedings; and

WHEREAS, if it is determined in the future that local COVID-19 conditions are worsening or that there is a resurgence of COVID-19 cases in the community, the Presiding Judge may return to a lower Operating Phase including when necessary and appropriate, returning to Operating Phase 0.

THEREFORE, IT IS HEREBY ORDERED that the Court makes the following findings based on the Gateway Criteria:

1. There has been one confirmed COVID-19 case in one court facility in our circuit to date. Said court facility was closed to the public for a period of 14 days, courthouse staff quarantined for 14 days and said confirmed case has since recovered from COVID-19 more than 30 days prior to the entry of this order.

2. All counties contained in the 42nd Judicial Circuit have entered orders, or allowed orders to lapse, thus allowing all businesses to reopen with certain restrictions effective May 4, 2020.
3. COVID-19 health conditions have been stable over a 14-day period in the five counties of the 42nd Judicial Circuit, with eight cases reported in Crawford County, one case reported in Dent County, two cases reported in Iron County, two cases reported in Reynolds County and zero cases reported in Wayne County. There have been no deaths in these counties attributable to COVID-19. There has been no evidence of community spread of COVID-19 in these counties.
4. The local public health systems have the hospital resources, testing resources, and public health containment resources to begin the process of safely reopening the local economy.

Based on these findings, the Presiding Judge finds that local conditions are sufficient to allow the Court to progress to Operating Phase 1 effective May 16, 2020.

However, if it is determined in the future that local conditions are worsening or that there is a resurgence of COVID-19 cases in the counties, the Court may return to Operating Phase 0.

Operating Phase 1 Effective May 16, 2020

In Phase 1, the Court will operate with the following restrictions:

- a. Members of the public who are not involved in a court proceeding will not be allowed in the courthouse.
- b. Social distancing is required of court staff, attorneys, parties and witnesses.
- c. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
- d. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is encouraged.
- e. Only the most critical in-person proceedings will be held, with occupancy in the courtroom limited to 10 or less whenever possible. Attorneys who believe they have a critical matter that requires an in-person hearing should notify the Court.
- f. Continue to use available technologies such as teleconferences and video hearings in as many cases as is practical.
- g. Jury trials will not be held.
- h. Large venues and common areas such as break rooms where more than 10 people may congregate are closed. Occupancy rates in courtrooms, jury assembly rooms, and other areas in the court facility are limited to a rate of 10 or less whenever possible.
- i. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

The Court will remain in Operating Phase 1 until May 31, 2020, at which time it will proceed to Phase 2 if local COVID-19 conditions remain the same or improve. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase 1 or return to Phase 0.

Operating Phase 2 Effective June 1, 2020

In Phase 2, the Court will operate with the following restrictions:

- a. Members of the public who are not involved in a court proceeding will not be allowed in the courthouse.
- b. Social distancing is required of court staff, attorneys, parties and witnesses.
- c. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
- d. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is encouraged.
- e. In-person proceedings will be held, as long as social distancing requirements can be met. Attorneys may notice routine matters on the Court's routine dockets and may contact the Court for special settings.
- f. With social distancing requirements, the maximum occupancy of the courtrooms will be limited to 25 people or less whenever possible. This will significantly limit the numbers of cases that can be heard at one time. If the number of matters noticed up for a routine docket will cause social distancing restrictions to be exceeded, then attorneys and parties should anticipate being asked to wait in the lobby, outside or in their cars until their case may be heard. The Court may be trying different methods to handle this scheduling difficulty so patience is requested.
- g. Continue to use available technologies such as teleconferences and video hearings in as many cases as is practical.
- h. Jury trials will not be held.
- i. Occupancy rates in courtrooms, jury assembly rooms, jury deliberating rooms, break rooms and other areas in the court facility must comply with social distancing requirements.
- j. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

The Court will remain in Operating Phase 2 until June 15, 2020, at which time it will proceed to Phase 3 if local COVID-19 conditions remain the same or improve. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase 2 or return to Phase 1 or 0.

Operating Phase 3 Effective June 16, 2020

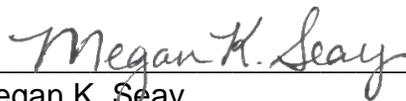
In Phase 3, the Court will operate with the following restrictions:

- a. Members of the public who are not involved in a court proceeding will not be allowed in the courthouse.
- b. Social distancing is required of court staff, attorneys, parties and witnesses.
- c. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
- d. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is encouraged.
- e. In-person proceedings will be held, as long as social distancing requirements can be met. Attorneys may notice routine matters on the Court's routine dockets and may contact the Court for special settings.
- f. Large venues and common areas such as courtrooms, jury assembly rooms, jury deliberating rooms, break rooms, and other areas in the court facility can operate under social distancing protocols. The court will consider any request to allow vulnerable litigants, witnesses, victims and attorneys to participate in the proceedings remotely or may continue or postpone their required presence at the court facility.
- g. Continue to use available technologies such as teleconferences and video hearings in as many cases as is practical.
- h. Jury proceedings will be held beginning July 6, 2020, in compliance with social distancing protocols.
- i. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

The Court will remain in Operating Phase 3 until the Supreme Court issues an Order replacing its May 4, 2020 Order.

This Order has been approved by the Court en Banc of the 42nd Judicial Circuit.

SO ORDERED this 14th day of May, 2020.



Megan K. Seay
Presiding Circuit Judge
42nd Judicial Circuit of Missouri