



## IN THE CIRCUIT COURT OF CHRISTIAN COUNTY

### ADMINISTRATIVE ORDER RE SUPREME COURT ORDER OF MAY 4, 2020 ON PHASES 1, 2, and 3 (eff. May 16, 2020)

WHEREAS on March 13, 2020, the Governor of Missouri declared that a state of emergency exists in the state of Missouri to address the spread of COVID-19 and to prevent a substantial risk to public health and safety; and

WHEREAS to combat the spread of COVID-19 in Missouri, Missouri Governor Parson issued a "Stay Home Missouri" Order effective April 6, 2020, through May 3, 2020. On April 27, 2020, Governor Parson announced that Missouri would enter an initial recovery phase beginning May 4, 2020 and issued the Show Me Strong Recovery Order, effective until May 31, 2020, requiring persons and businesses to comply with social distancing requirements, including maintaining six feet of space between individuals, but otherwise allowing all businesses to reopen with recommended safety precautions.

WHEREAS on April 30, 2020, the City of Ozark, Missouri, where the Court is located, issued an Order effective until May 31, 2020, requiring persons and businesses to comply with social distancing requirements, but otherwise allowing all businesses to reopen with recommended safety precautions. The City of Ozark limited the occupancy of "all publicly accessible locations" to fifty percent or less of the location's authorized fire or building code occupancy while maintaining social distancing requirements; and

WHEREAS on May 1, 2020, the Christian County Commission issued an Amended Order effective until May 31, 2020, contains certain restrictions but is not applicable to government agencies; and

WHEREAS the Circuit Court has been operating in Phase 0 consistent with the Supreme Court's April 17, 2020 Order. In Phase 0, all in-person proceedings are suspended except:

- 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;
- Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;

- Proceedings pursuant to chapter 453 pertaining to adoption;
- Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
- Proceedings pursuant to chapter 455 pertaining to orders of protection;
- Proceedings related to emergency child custody orders;
- Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- Proceedings related to emergency mental health orders;
- Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- Proceedings directly related to the COVID-19 public health emergency;
- Oral arguments regarding time-sensitive matters; and
- Other exceptions approved by the Chief Justice of the Supreme Court.

All proceedings that do not require in-person appearances of parties or counsel have continued by utilizing available technologies – including teleconferencing and video conferencing – whenever possible.

The Circuit Court of Christian County will continue to operate in Phase 0 at least until May 16, 2020; and

WHEREAS the Supreme Court issued an Order on May 4, 2020, effective May 16, 2020, whereby the Presiding Judge of each circuit court will determine, based on certain Gateway Criteria, when that circuit will progress to Phase 1, Phase 2, and Phase 3; and

WHEREAS the Court 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, having consulted with local health authorities, the Court makes the following findings based on the Gateway Criteria:

1. There have been no confirmed COVID-19 cases in any court facility to date.
2. The City of Ozark and the Christian County Commission have entered orders effective May 4, 2020 allowing all businesses to reopen with certain restrictions.

3. COVID-19 health conditions have been stable over a 14-day period in the community, with only 22 cases to date and zero deaths. There has been no evidence of community spread of COVID-19 in Christian County.
4. Local government authorities have found that the public health system has the hospital resources, testing resources, and public health containment resources to begin the process of safely re-opening the local economy.
5. Local health officials approve of changes to levels of court and courthouse activities consistent with restrictions on occupancy and social distancing requirements.

Based on the findings, the Presiding Judge finds that local conditions are improving sufficiently to allow the Court to progress to 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 community, 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 court house.
- 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 temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry.
- e. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required. Those who do not have a mask will be provided a mask.
- f. 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.
- g. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys are encouraged to schedule motion hearings and other matters by telephone or video conference.
- h. Jury trials will not be held.

- i. Large venues and common areas such as break rooms 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..
- j. 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 June 1, 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 1.

### **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 court house..
- 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 temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry..
- e. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required. Those who do not have a mask will be provided a mask..
- f.. 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..
- g.. With social distancing requirements, the maximum occupancy of the courtrooms in Christian County is about 14, which includes the judge and staff. This will significantly limit the number 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..
- h. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys who are not comfortable with in-person hearings

are encouraged to schedule motion hearings and other matters by telephone or video conference.

- i. Jury trials will not be held..
- j. 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..
- k. 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. 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 15, 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 court house..
- 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 temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry..
- e. The use of masks or face coverings by judicial employees or members of the public is not mandated but is allowed..
- f.. 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..
- g.. With social distancing requirements, the maximum occupancy of the courtrooms in Christian County is about 14, which includes the judge and staff. This will significantly limit the number 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.

- h. Jury proceedings will be held beginning July 6, 2020, in compliance with social distancing protocols.
- i. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys who are not comfortable with in-person hearings are encouraged to schedule motion hearings and other matters by telephone or video conference.
- j. Large venue and common areas such as courtroom, jury assembly rooms, jury deliberating room, break rooms, and other areas in the court facility can operate under social distancing protocols.
- k. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

Phase 3 will continue until the Supreme Court issues an Order replacing its May 4, 2020 Order.

**Municipal Courts**

Municipal Courts in Christian County are governed by this Order except that their applicable occupancy limit must be based on the number of people who can be present in the municipal court facility while maintaining social distancing requirements.

**Questions**

Please email all questions to the clerks of Divisions 1, 2, 3 and 4. The name and email address of each Division Clerk may be obtained from the Springfield Metropolitan Bar Association.

Criminal defense attorneys should review the Administrative Guidance issued by the Court this same day for further information about scheduling criminal matters and changes to the processing of criminal cases that the Court is implementing.

This Order has been approved by all Judges of the 38<sup>th</sup> Judicial Circuit.

Date: May 8, 2020

  
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 Laura Johnson, Presiding Judge