

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI
6TH JUDICIAL CIRCUIT, STATE OF MISSOURI

KIMBERLY K JOHNSON
 Clerk of the Circuit Court Platte County, MO

In Re: Updated Court Operations – Phase 2 under Supreme Court Operational Directives

ADMINISTRATIVE ORDER 2020-026

WHEREAS, during the emergence of COVID-19 and its spread into a global pandemic, it has been and continues to be imperative and of great importance to the 6th Judicial Circuit (“Court”) that all appropriate steps be taken to protect the health and safety of all Court employees, all judicial officers, all attorneys, all litigants, all victims, all witnesses, all prospective jurors, all members of the general public and any other individuals or entities who have cases and hearings pending in the Court and/or have business with the Court; and

WHEREAS, while giving full consideration to the concerns stated above, the Court has also consistently considered the performance of its constitutional duties as the judicial branch of government, considering and balancing the rights of all parties and litigants to have their cases, hearings, disputes and matters heard and adjudicated; and

WHEREAS, as a result of and in response to the spread of COVID-19, the State of Missouri, and other governmental bodies issued stay at home Orders and other emergency Orders which closed or limited certain governmental functions and which closed certain aspects of society and communities. However, said Orders also provided that Court operations were deemed to be essential governmental services and therefore, the Court remained open and operational during the term of said Orders, performing core judicial functions, often through remote technologies including video and telephone hearings and conferences; and

WHEREAS, the previously entered stay at home Orders and emergency Orders have been lifted or terminated and/or have been replaced with Orders allowing for the phased and gradual re-opening of society, businesses, communities and the courthouses in which the Court operates, while also including continued restrictions to minimize the potential spread of COVID-19; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, social distancing guidelines remain in effect, which guidelines recommend, suggest or require a minimum separation distance of 6 feet between people as a way to minimize the spread of the COVID-19 virus; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, limitations on the size of groups that may gather at any one time and in any one location remain in effect, although the size of allowed gatherings continues to grow and expand; and

WHEREAS, the Missouri Supreme Court has issued several Orders regarding court operations, the most recent of which includes Operational Directives related not only to considering strategies to prevent the spread of COVID-19, but also directives which provide for a

phased approach toward easing or tightening restrictions related to court operations depending on enumerated factors within the Courts and within the community; and

WHEREAS, notwithstanding the Court commencing a slow, deliberate plan moving toward more complete court operations pursuant to Missouri Supreme Court Orders, this Court's operations will continue to be significantly modified; and

WHEREAS, circumstances regarding COVID-19 have changed since the Court's issuance of prior Administrative Orders related to court operations; and

WHEREAS, the Missouri Supreme Court has continued to authorize the Presiding Judge of each Circuit to facilitate local solutions regarding the continuation and/or restoration of court operations, while also considering and maintaining a certain degree of uniformity; and

WHEREAS, the Missouri Supreme Court has continued to encourage judges to utilize all available technologies – including teleconferencing and video conferencing – to limit in person courtroom appearances to the extent not prohibited by the constitution or statutes as to the proceedings; and

WHEREAS, the Missouri Supreme Court's Operational Directives describe criteria to be evaluated and considered regarding the continued operation of the Court as well as the progression or regression to different Phases set forth in the Operating Directives; and

WHEREAS, pursuant to Section 478.240.2 R.S.Mo. and Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial personnel and court officials in the Circuit as well as 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 as of 12:01 a.m. October 19, 2020, and continuing until rescinded, amended, modified or extended in a subsequent Administrative Order, as follows:

1. Administrative Order 2020-023 dated July 30, 2020, which sets forth updated court operations, shall remain in effect except for revisions set forth below in this Administrative Order.
2. Effective at 12:01 a.m. October 19, 2020, the Court will operate under Phase 2 of the Missouri Supreme Court's Operational Directives issued July 24, 2020 (and effective August 1, 2020) and as set forth in this court's Administrative Order 2020-023.
3. Jury trials are hereby cancelled through December 31, 2020, **unless a statutory or constitutional provision requires otherwise, or upon approval of the presiding judge**. The Jury Commissioner is ordered and authorized to suspend the summoning and impaneling of all petit juries for jury trials set prior to January 1, 2021. Beginning January 4, 2021, jury trials may be held by the judge presiding over the case. Jury trials shall be conducted in compliance with social distancing protocols and in conformance with any Missouri Supreme Court Orders or

Directives. The court will continue to evaluate all circumstances and factors that impact the timing and ability to safely resume jury trials. Grand jury proceedings may be held during this time period. The court will remain in Phase 2 until further order.

3. Large venues and common areas such as break rooms and canteens in the courthouse are closed, as are drinking fountains. Occupancy rates in courtrooms, jury assembly rooms and other areas in the courthouse shall be kept at an occupancy rate of 25 or less whenever possible and shall operate under strict social distancing protocols. Face masks or coverings shall be required in all public court areas and during all court proceedings unless good cause is shown to limit the requirement in a particular proceeding, such as for a witness who is testifying.

4. Face masks or coverings shall be required except when an individual is alone in a private office.

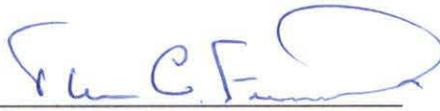
5. Pursuant to Supreme Court Operating Rule 7, the Circuit Court Budget Committee has authorized presiding judges to grant administrative leave for staff who are directed or allowed to be away from the office for reasons related to COVID-19.

IT IS FURTHER ORDERED that to the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative Orders, this Administrative Order controls.

THIS ORDER MAY BE AMENDED, RESCINDED, MODIFIED OR EXTENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

10/18/20
Date


Thomas C. Fincham, Presiding Judge