

43RD JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER
COVID-19, 6-16-20

WHEREAS, through its Order and Operational Directives issued on May 4, 2020, effective May 16, 2020, the Supreme Court of Missouri limited and restricted court activity in all divisions of the circuit courts in the interest of public health due to the ongoing COVID-19 pandemic; and

WHEREAS, the aforesaid Operational Directives provide a multi-phased protocol for resuming court activity; and

WHEREAS, the aforesaid Operational Directives provide that any movement to the next higher Operating Phase may be made by order of the Presiding Circuit Judge only after a court has been in the prior Operating Phase for a period of at least 14 calendar days; and

WHEREAS, as ordered by the Supreme Court of Missouri, the courts of the 43rd Circuit have been operating at Operational Phase One since June 1, 2020; and

WHEREAS, on the 4th day of May, 2020, the Missouri Supreme Court entered an Order providing for multiple phase operational directives to ease the restrictions associated with the suspension of in person court appearances; and

WHEREAS, the aforesaid Operational Directives require that the Presiding Judge of each Circuit consider certain provided Gateway Criteria prior to advancing to the next Operational Phase; and

WHEREAS, the Missouri Supreme Court provided the following Gateway Criteria to consider before resuming court activity or progressing to a new Operating Phase:

1. No confirmed COVID-19 cases in the court facility within a 14-day period.
2. Rescission of lack of stay-at-home orders or the relaxing of group gathering restrictions applicable to the community.
3. Improving COVID-19 health conditions over 14-day period in the community, including conditions such as the number of confirmed COVID-19 cases and related deaths in relation to a community's population density, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.
4. Consultation with local health officials or departments concerning changes to levels of court and courthouse activities.
5. Consultation with local judiciary partners such as children's division personnel, juvenile officers, members of the local bar, prosecutors and public defenders, law enforcement and probation and parole.

WHEREAS, having evaluated the Gateway Criteria in consultation with local health officials and the court *en banc*, the Presiding Judge finds local conditions warrant transition to Operational Phase Two; and

NOW THEREFORE, commencing June 16, 2020, and continuing until issuance of a subsequent Order, all divisions of the courts of the 43rd Judicial Circuit of Missouri shall operate at Operational Phase Two as defined in the Order and Operational Directives issued on May 4, 2020, effective May 16, 2020, by the Supreme Court of Missouri. Throughout Operational Phase Two, as directed by the Supreme Court of Missouri, all divisions of the courts of the 43rd Circuit shall operate as follows:

1. In order to maintain low occupancy rates in court facilities, the courts shall continue utilizing all available technologies, including conferencing via video on platforms such as Scopio and Webex, and teleconferencing, whenever practicable and when not prohibited by constitutional or statutory provisions. Judges may increase in-person court proceedings where they can safely be conducted in compliance with social distancing protocols and occupancy rate limitations. Social distancing shall be strictly observed throughout all such proceedings.

Attorneys or unrepresented parties who believe they have a critical matter that requires an in-person hearing should notify the court clerk.

The following proceedings are deemed most critical:

- 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. Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect and termination of parental rights;
- c. Proceedings pursuant to chapter 453 pertaining to adoption;
- d. Proceedings pursuant to chapter 455 pertaining to orders of protection;
- e. Proceedings related to emergency child custody orders;
- f. Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- g. Proceedings related to emergency mental health orders;
- h. Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- i. Proceedings directly related to the COVID-19 public health emergency;
- j. Oral arguments regarding time-sensitive matters;
- k. Other exceptions approved by the Chief Justice of the Supreme Court.
- l. Proceedings in which the judge presiding over the case finds that an immediate hearing is necessary due to exceptional, exigent and time-sensitive circumstances.

2. Judges and clerks shall coordinate scheduling to minimize the number of persons present in the building by staggering dockets and reducing bulk daily dockets to smaller dockets scheduled in shorter increments of time.

3. Members of the public who are not directly involved in a court proceeding will not be permitted in any judicial facility to attend said court proceeding without obtaining court permission in advance. Persons desiring such permission should contact the court clerk to request permission to attend and explain why their presence in the building may be

necessary. Each such request shall be immediately relayed to the judge presiding over said proceeding for determination.

4. No more than 25 persons will be permitted in any room in judicial facilities at any one time. Occupancy capacity shall be reduced if required to maintain social distancing of at least 6 feet.

5. Strict social distancing protocols shall be observed and employed with all individuals maintaining separation of at least 6 feet.

6. Vulnerable individuals shall be permitted to participate in court proceedings remotely or continue or postpone their required presence at the judicial facility.
“Vulnerable Individuals” are defined by the CDC as individuals age 65 years or older or individuals with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, chronic kidney disease or chronic liver disease.

7. All persons shall answer screening questions and have their temperature taken via external scan prior to being permitted inside judicial facilities. No individual meeting any of the following criteria will be permitted inside the judicial facilities:

- A. Anyone with a temperature of 100.4 degrees Fahrenheit or higher.
- B. Anyone who has been exposed to COVID-19 in the past 14 days.
- C. Anyone who has tested positive for COVID-19 and not subsequently been determined by a licensed physician to be no longer contagious.
- D. Anyone who is exhibiting symptoms of COVID-19, including but not limited to fever, unexplained coughing or shortness of breath, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell.
- E. Anyone who has been asked to self-quarantine by any doctor, hospital or health agency and who has not subsequently been determined by such entity or a licensed physician to be no longer contagious.

8. No petit juries or grand juries will be summoned until the Operational Directives on conducting jury proceedings referred to in paragraph E.3 of the Operational Directives issued on May 4, 2020, by the Supreme Court of Missouri are issued.

9. All Judicial employees and persons entering the courthouse for judicial or court-related issues are required to utilize masks or face coverings. All other employees and persons entering the courthouse for any reason are strongly encouraged to utilize masks or face coverings.

10. Court facilities shall be regularly disinfected throughout the day.

11. Hand sanitizer shall be available.

12. Vulnerable judicial employees shall work with supervisors to establish reasonable accommodations for those vulnerabilities.

13. Judicial employees should observe at least a six-foot minimum physical distance from others in all offices, meetings and court proceedings. Any employee desiring to wear a mask may do so.

14. Staggered shifts for judicial employees will continue when feasible.

15. Judicial employees meeting any of the following criteria will be allowed to stay at home:

- a. Employee is subject to a quarantine or isolation order or is living with or caring for such an individual;
- b. Employee has been advised by a health care provider to self-quarantine or is living with or caring for an individual who has been advised to self-quarantine;
- c. Employee is considered high-risk based on local or state health officials or departments' criteria for contracting COVID-19 or is living with or caring for such an individual;
- d. Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis or is living with or caring for such an individual; or

16. All non-essential travel by judicial employees for work-related functions is suspended.

SO ORDERED this 15th day of June, 2020, and continuing for a minimum of 14 days and thereafter from day to day.



R. Brent Elliott
Presiding Judge
43rd Judicial Circuit
State of Missouri