

IN THE SECOND JUDICIAL CIRCUIT OF MISSOURI

**ADMINISTRATIVE ORDER REGARDING COVID-19
COURT OPERATIONS - RETURN TO PHASE ZERO**

AUGUST 13, 2020

WHEREAS, in accordance with the guidelines and directives of the Missouri Supreme Court, the Divisions of the Circuit Court in the Second Judicial Circuit have been operating in Court Operating Phase One since July 13, 2020, pursuant to local Administrative Order dated June 30, 2020; and

WHEREAS, there has been a deterioration in local conditions which necessitates moving court operations in the Second Judicial Circuit to a lower operating phase, Court Operating Phase Zero, to protect the general public, litigants, lawyers, employees, and all other individuals who are involved in court proceedings from the spread of COVID-19; and

WHEREAS, the Second Judicial Circuit operates courtrooms and judicial offices and facilities in the following buildings:

- (1) Adair County Courthouse, 106 W. Washington, Kirksville, MO 63501
- (2) Knox County Courthouse, 107 N. Fourth Street, Edina, MO 63537
- (3) Lewis County Courthouse, 100 E. Lafayette, Monticello, MO 63457
- (4) Bruce Normile Juvenile Justice Center, 1400 S. Boundary, Kirksville, MO 63501

The court facilities and offices located in the foregoing buildings, including the courtrooms, lobbies, hallways, restrooms, conference rooms, jury rooms, elevators, and any other area that may be used by the public to obtain access to or use of the courtroom or court related services, are hereby collectively referred to as the "Court Premises";

NOW, THEREFORE, EFFECTIVE IMMEDIATELY, AND CONTINUING UNTIL FURTHER ADMINISTRATIVE ORDER, IT IS HEREBY ORDERED AS FOLLOWS:

1. The courts in the Second Judicial Circuit shall remain open and operational. However, except for those matters specifically identified below, and, subject to the terms set forth in this Order, all in-person court proceedings, hearings, or conferences are suspended, in accordance with the guidelines and directives of the Missouri Supreme Court, with the following exceptions:

- 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 in which civil or criminal jury trials are already in progress as of March 16, 2020;
- e. Proceedings pursuant to chapter 455 pertaining to orders of protection;
- f. Proceedings related to emergency child custody orders;
- g. Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;

- h. Proceedings related to emergency mental health orders;
- i. Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- j. Proceedings directly related to the COVID-19 public health emergency;
- k. Oral arguments regarding time-sensitive matters; and
- l. Other exceptions approved by the Chief Justice of this Court.

2. In-person proceedings, hearings, or conferences shall be held only in limited and extreme circumstances and based on a determination that alternative methods for conducting said hearings cannot occur. To the extent not prohibited by constitutional or statutory provisions, all proceedings, hearings, and conferences shall be conducted by teleconference, Polycom, video conference, or other method that does not require the physical presence of persons on Court Premises. In the event the judge presiding over the case determines (a) that there is no reasonable alternative to an in-person hearing or conference and, therefore, an in-person hearing or conference is required; and (b) that the physical appearance of attorneys, parties, witnesses, interested third parties, guardians ad litem, children's division workers, law enforcement officers, or any other individual is required, and whose appearance cannot be satisfied by teleconference or video conference, then the in-person hearing or conference may proceed. Such proceeding shall be limited to the attorneys, parties, witnesses, security officers, and other individuals necessary to the proceedings as determined by the judge. The judge presiding over such proceedings has the discretion to excuse individuals who cannot or should not appear as a result of risks associated with COVID-19.

3. In the event an in-person hearing or conference is to occur, the Judge, or his/her administrative staff, shall be responsible for notifying Sheriff's Deputies or other security personnel at the Court Premises where the hearing or conference will occur (a) that an in-person hearing shall occur, and (b) shall provide Sheriff's Deputies or other security personnel with the names of any designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Premises for the designated in-person hearing. If Sheriff's Deputies or other security personnel are not notified of the identity of any person or persons who are to appear in person for any such hearing, any person not so identified will be denied entry.

4. For in-person proceedings that are to be held in accordance with the provisions of this Order, the following policies shall be followed:

- a. The Bailiff shall implement appropriate levels of screening, where possible, at the entrances to Court Premises to limit or prevent individuals experiencing symptoms related to COVID-19 from entering court facilities. Such screening may include temperature checks and screening questions to each individual entering Court Premises.
- b. Face masks or coverings shall be required in all public court areas and during all court proceedings. This shall include all judges, attorneys, clerks, bailiffs, parties, witnesses, and all other court participants or persons who may be in attendance. Face masks or coverings will be provided to those persons who do not have them. Public court areas shall include the courtroom, lobbies, hallways, restrooms, conference rooms, jury rooms, elevators, and any other area that may be used by the public to obtain access to or use of the courtroom or court related services. The judge has the authority, in his or her discretion, after considering the need and desirability for optimum protection of all persons from the

risk of infection of COVID-19, to allow those persons actively involved in a court proceeding, including attorneys, parties, witnesses, court reporter, and court clerk, to dispense with face coverings while they are actively participating in a court proceeding if necessary to facilitate effective communication or for other good cause.

- c. All persons shall observe social distancing of at least six (6) feet from all other individuals on Court Premises. Seating in courtrooms or lobby or common areas will be appropriately limited to ensure a minimum of six (6) feet of social distancing. Tape or other visible means should be used to demark six (6) foot distances where practical. Social distancing will be required of attorneys, parties, witnesses, bailiffs, judges, clerks, and all other court personnel.
- d. A limit of ten (10) persons, including court personnel and attorneys, will be permitted in the courtroom or other individual room, lobby, or common area within the Court Premises. The Bailiff shall arrange and manage in-person court appearances for each court docket or proceeding, in coordination with the judge and attorneys for parties who are represented.
- e. Hand sanitizers will be provided outside each courtroom. Heightened sanitation and disinfection of common and high-traffic areas will be implemented, as practical.
- f. Only the principal courtroom will be utilized for in-person proceedings in Knox and Lewis counties, and the small additional courtrooms will not be used for court hearings but they may be used for conferences.
- g. The Bailiff shall enforce compliance with the foregoing policies, procedures, and protocols.

5. In all criminal cases where the defendant is in custody at any detention facility or prison, said defendants shall not be personally transported to or brought to the courtroom for any hearings, except as provided above. All hearings regarding any such defendants shall be conducted via video conference, including initial appearances and arraignment hearings.

6. Court proceedings that do not require in-person appearances of the judge, parties, or counsel are not suspended and may continue by teleconference, video conference, or other manner at the discretion of the judge presiding over the case or proceeding.

7. No jury trials shall be held.

8. Each judge and his or her division staff shall be responsible for notifying all parties and counsel if cases or dockets are being postponed or continued, and, if not continued, the manner in which such proceedings or hearings will be held. If cases or dockets are postponed or continued, each judge shall be responsible for re-scheduling new hearing dates.

9. The circuit clerks shall establish, implement, and maintain procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the courts, including, but

not limited to, petitions for orders of protection. This may include receiving faxed documents, creating drop boxes at designated entries to Court Premises, or other methods for pro se litigants to have continuous access to the courts. These procedures shall be posted on Court Premises entrance doors.

10. Entry to Court Premises shall be limited to the following persons:

- (a) Judges and employees of the Courts;
- (b) Those individuals specifically identified by a Judge as necessary for an in-person proceeding as required and set forth above.
- (c) Independent contractors, delivery persons and vendors who have permission from the Presiding Judge, or his designated court personnel, to enter Court Premises, and whose entry into Court Premises is necessary for continuous operation of the Courts.

11. Anyone attempting to enter or remain on Court Premises in violation of this Order will be denied entry or will be removed by a court security officer.

12. All nonessential court related travel for staff and judges is canceled until further Order.

13. All Municipal Division Courts in the Second Judicial Circuit are subject to this Administrative Order and are ordered to take appropriate action consistent with this Order.

14. Attorneys or parties shall promptly notify opposing counsel and the court if they reasonably suspect that a participant in any proceeding authorized by this Administrative Order may have been exposed to a substantial risk of COVID-19 infection.

15. Any person not authorized to enter Court Premises because of the restrictions listed above and any person who has a scheduled appointment or is otherwise required to appear at one of the court facilities, offices, or premises of the Second Judicial Circuit, and who is unable to appear because of the restrictions listed above, should proceed as follows:

- a. If represented by an attorney, they should contact their attorney;
- b. Attorneys scheduled to appear in court should contact the Circuit Clerk's Office in the county of their scheduled appearance as follows:
 - 1) Adair County Circuit Clerk at 660-665-2552;
 - 2) Knox County Circuit Clerk at 660-397-2305;
 - 3) Lewis County Circuit Clerk at 573-767-5352;
- c. If any person needs information about the status of a case, they should consult Case.net, or contact their attorney or the appropriate Circuit Clerk's Office at the phone number listed above;
- d. Any person who is a prospective juror should contact the appropriate Circuit Clerk's Office at the phone number listed above;

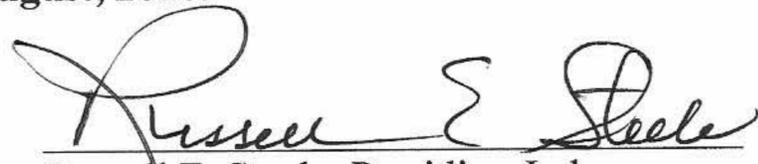
e. Any person seeking an Order of Protection regarding adult or child abuse should contact the appropriate Circuit Clerk's Office at the phone number listed above;

16. Appointing authorities and supervisors of judicial personnel shall ensure that employees feeling ill stay at home and shall liberally permit judicial employees to work from home when appropriate.

17. To the extent the directives, procedures, and protocols set forth in this Administrative Order are inconsistent with the prior Administrative Orders regarding COVID-19 Court Operations, this Administrative Order shall control.

If you have any questions regarding this Administrative Order, please contact the office of the Presiding Judge, Russell E. Steele, at 660-665-3145.

IT IS SO ORDERED this 13th day of August, 2020.

A handwritten signature in black ink, appearing to read "Russell E. Steele". The signature is written in a cursive style with a large initial "R" and "S".

Russell E. Steele, Presiding Judge
Second Judicial Circuit