

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

ADMINISTRATIVE ORDER 2020-10

In Re: COVID-19

This Order supersedes this Court's Order regarding COVID-19 dated May 14, 2020 (AO #2020-09).

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

WHEREAS, pursuant to Missouri Supreme Court Administrative Order 1830 and Operational Directives dated July 24, 2020, effective August 1, 2020, whereby the Presiding Judge of each circuit court will determine, based on certain Gateway Criteria, when the circuit will progress or digress from its current Operating Phase 3; and

WHEREAS, the municipal, associate circuit and circuit courts in the 42nd Judicial Circuit of Missouri will remain in their current Operating Phase 3 if local COVID-19 conditions do not drastically increase, if an entity of the 42nd Judicial Circuit is not directly affected by a positive COVID-19 case, and if 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 drastically worsening or that there is a positive COVID-19 case within an entity of the 42nd Judicial Circuit, the Presiding Judge may return to a lower Operating Phase including when necessary and appropriate, returning to Operating Phase 0 or 1.

THEREFORE, IT IS HEREBY ORDERED that the Presiding Judge finds, based on the Gateway Criteria, that local conditions are sufficient to remain in its current Operating Phase 3 effective August 1, 2020.

However, if it is determined in the future that local COVID-19 conditions are drastically increasing and/or if an entity of the 42nd Judicial Circuit is directly affected by a positive COVID-19 case, the Court may return the entire circuit or a specific county to Operating Phase 0 or 1.

Operating Phase 0

In Phase 0, the Court will require face masks or coverings in all public court areas and during all court proceedings unless good cause is shown to limit the requirement in a particular proceeding and suspend all in-person court proceedings consistent with the Court's April 17, 2020 Order subject to 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. Proceeding pursuant to Chapter 455 pertaining to orders of protections;
- 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 Presiding Judge of this Court.

Operating Phase 1

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. 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.
- e. Face masks or coverings shall be required except when an individual is alone in a private office.
- 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 as many cases as is practical.
- h. Jury trials will not be held.
- i. 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.
- j. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

The Court cannot proceed to Operating Phase Two until it has completed at least 14 days in Operating Phase One. Before proceeding to Operating Phase Two, a court must reevaluate the Gateway Criteria to ensure readiness to progress to the next Operating Phase.

Operating Phase 2

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. 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.
- e. Face masks or coverings shall be required except when an individual is alone in a private office.
- 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 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.
- h. Continue to use available technologies such as teleconferences and video hearings in as many cases as is practical.
- 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 cannot proceed to Operating Phase Three until it has completed at least 14 days in Operating Phase Two. Before proceeding to Operating Phase Three, a court must reevaluate the Gateway Criteria to ensure readiness to progress to the next Operating Phase.

Operating Phase 3

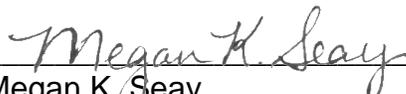
In Phase 3, the Court will operate with the following restrictions:

- 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. 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.
- e. Face masks or coverings shall be required except when an individual is alone in a private office.
- 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. 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.
- h. Continue to use available technologies such as teleconferences and video hearings in as many cases as is practical.
- i. Jury proceedings will be held in compliance with social distancing protocols.
- j. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.

So long as the 42nd Judicial Circuit and the counties therein remain in Operating Phase 3, It will do so until the Supreme Court issues an Order replacing its July 24, 2020 Order.

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

SO ORDERED this 27th day of July, 2020.



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