

**IN THE 39TH JUDICIAL CIRCUIT OF MISSOURI
BARRY, LAWRENCE & STONE COUNTIES
All Divisions**

In Re: Transition to Operating Phase Three

ADMINISTRATIVE ORDER 2020-11C

THIS ORDER SUPERCEDES ADMINISTRATIVE ORDER 2020-11

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 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 39th Circuit have been operating at Operational Phase Two since June 1, 2020; 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, having previously evaluated the Gateway Criteria in consultation with local health officials and the court *en banc*, the presiding judge previously found local conditions warranted transition to Operational Phase Three and ordered the same; and

WHEREAS, the Supreme Court of Missouri updated its Operational Directives July 24, 2020, effective August 1, 2020;

IT IS HEREBY ORDERED:

Beginning August 1, 2020, and continuing until issuance of a subsequent Order, all divisions of the courts of the 39th Circuit of Missouri shall operate at Operational Phase Three as defined in the Order and Operational Directives issued on July 24, 2020, effective August 1, 2020, by the Supreme Court of Missouri. Throughout Operational Phase Three, as directed by the Supreme Court of Missouri, all divisions of the courts of the 39th Circuit shall operate as follows.

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

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. For cases scheduled on a bulk docket, 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. Occupancy capacity shall be monitored 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. Judges may allow vulnerable individuals to participate in court proceedings remotely or may allow them to 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.

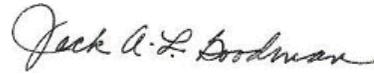
8. No petit juries or grand juries will be summoned until authorized by the Presiding Judge after suitable arrangements can be made to comply with Procedures for Jury Proceedings During COVID-19 Pandemic that were ordered by the Supreme Court of Missouri.

9. As recommended by the Centers for Disease Control and Ordered by the Supreme Court of Missouri, 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. Face masks or covering shall be required except with an individual is alone in a private office.

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.
14. 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 experiencing symptoms of COVID-19 and seeking medical diagnosis or is living with or caring for such an individual; or
15. All non-essential travel by judicial employees for work-related functions is suspended.
16. Any court employee, bailiff, or other court personnel currently working in a court facility who tests positive for COVID-19 must immediately inform the office of the Presiding Judge.

SO ORDERED this 27th day of July, 2020, and continuing from day to day.



Jack A. L. Goodman, Presiding Judge
39th Judicial Circuit Court of Missouri