

**IN THE 8TH JUDICIAL CIRCUIT
STATE OF MISSOURI
CARROLL AND RAY COUNTIES**

In Re: Implementation of Face Mask/Covering Requirement under Missouri Supreme Court COVID-19 Operational Directives ADMINISTRATIVE ORDER 2020-10

ORDER

This Order amends and supplements this Court’s Administrative Order 2020-9 dated June 11, 2020, and is effective August 1, 2020.

WHEREAS, on March 13, 2020, Missouri Governor Mike Parson declared that a state of emergency exists in the state of Missouri to address the spread of COVID-19 and to prevent a substantial risk to public health and safety; and

WHEREAS, to combat the spread of COVID-19 in Missouri, Missouri Governor Parson announced a “Stay Home Missouri” plan, and the Missouri Department of Health and Senior Services issued its Order, effective April 6, 2020, and as extended April 16, 2020, through May 3, 2020. On April 27, 2020, Missouri Governor Parson announced that Missouri would enter an initial recovery phase beginning May 4, 2020, and issued the “Show Me Strong Recovery” Plan, and the Missouri Department of Health and Senior Services issued its Order, effective until May 31, 2020, requiring persons and businesses to comply with social distancing requirements, including maintaining six feet of space between individuals, but otherwise allowing all businesses to reopen with recommended safety precautions; and

WHEREAS, on April 30, 2020, the Carroll County Commission, in coordination with the Carroll County Health Department, the Town of Carrollton, the Carroll County Sheriff, and the Town of Carrollton Police Chief, enacted an ordinance “Regarding Reopening Carroll County from COVID-Emergency,” effective until May 31, 2020, requiring persons and businesses to comply with social distancing practices; and

WHEREAS, on April 29, 2020, the Ray County Commission adopted “Governor Parson’s proposal for reopening Ray County on May 4, 2020”; and

WHEREAS, The Town of Carrollton and the City of Richmond, where courthouses are located within the circuit do not have their own orders in place; and

WHEREAS, on March 16, 2020, March 22, 2020, April 1, 2020, and April 17, 2020, the Missouri Supreme Court entered orders (collectively “Suspension Orders”) successively suspending most in-person court proceedings, ultimately through May 15, 2020; and

WHEREAS, this Court entered its administrative orders implementing the Suspension Orders and closing all court facilities to public access; and

WHEREAS, on May 4, 2020, the Missouri Supreme Court entered its order regarding “Operational Directives for Easing COVID-19 Restrictions on In-Person Proceedings” (“Operational Directives”) for the gradual resumption of in-person court proceedings previously suspended by the Suspension Orders; and

WHEREAS, the Operational Directives established four different phases for court operations; and

WHEREAS, the Operational Directives authorized and directed the presiding judge of a circuit, after considering certain “Gateway Criteria”, and after consultation with local health officials and local judiciary partners, to order a change in an operating phase for the circuit; and

WHEREAS, under the Operational Directives, a court must be in an operating phase for a period of at least 14 calendar days before advancing to the next higher operating phase; and

WHEREAS, as stated in the Operational Directives, courts had been operating in Operating Phase Zero since that Court’s March 16, 2020, Suspension Order; and

WHEREAS, the courts of the Eighth Judicial Circuit entered into Operating Phase One on May 16, 2020; and

WHEREAS, the courts of the Eighth Judicial Circuit entered into Operating Phase Two on May 30, 2020; and

WHEREAS, the courts in the Eighth Judicial Circuit entered into Operating Phase Three on June 13, 2020; and

WHEREAS, on July 24, 2020, the Missouri Supreme Court entered its order superseding its May 4, 2020, order and adopted revised “Operational Directives for Easing COVID-19 Restrictions on In-Person Proceedings” (“Operational Directives”) for the gradual resumption of in-person court proceedings previously suspended by the Suspension Orders; and

WHEREAS, as presiding judge of the Eighth Judicial Circuit, the undersigned has again consulted with local health officials, local government entities and local judiciary partners;

WHEREAS, after considering the Gateway Criteria and consulting with local health officials, the undersigned finds as follows:

1. There have been no confirmed COVID-19 cases in any court facility to date.
2. All local jurisdictions and entities have continued to relax, or not further restrict, business, stay-at-home and group gathering restrictions applicable to the community.

3. Adequate medical facilities, including emergency and intensive care capacity, are available in or close to Carroll and Ray counties.

4. Local conditions do not require reverting back to a prior Operating Phase.

IT IS THEREFORE ORDERED that the circuit courts in Carroll County and Ray County shall remain and operate in Operating Phase Three as provided in the Operational Directives. In Operating Phase Three, the Courts of the Eighth Judicial Circuit shall operate under the following guidelines, practices and restrictions:

1. In-person proceedings may be held, to be determined by the judge presiding over the case. **In-person regularly scheduled law day proceedings shall be limited to the attorneys, parties, witnesses, court personnel and supporting staff, and other individuals necessary to the proceedings as determined by the judge presiding over the case. All persons in public court areas, including courtrooms, jury assembly rooms, hallways, conference rooms and lobbies, shall observe at least a six-foot minimum physical distance from others, regardless of family, residence, household or legal relationship.** Tape or other visible means will be used to demark six-foot distances. Vulnerable¹ litigants, witnesses, victims, attorneys, and other individuals involved in court proceedings shall be allowed to participate in the proceedings by teleconferencing and video conferencing. Judges and staff are encouraged to use available technologies, including teleconferencing and video conferencing whenever possible to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.

2. Jury trials may be conducted in accordance with the Missouri Supreme Court's *Procedures for Jury Proceedings During COVID-19 Pandemic* issued June 5, 2020.

3. Individuals who have been exposed to or are exhibiting symptoms of COVID-19, or other persons prohibited entry to the courthouse as determined by the county commission, will not be allowed in Court premises. Appropriate levels of screening, as determined from time to time as local conditions warrant, will be implemented. Such screening may include temperature checks and screening questions.

4. Travel by judicial employees for work related functions may resume.

5. Cleaning and disinfection of common areas shall be conducted frequently. All persons entering Court premises will be provided, and shall use, hand sanitizer.

¹ Vulnerable individuals are defined by the CDC as individuals 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, or chronic kidney or liver disease.

6. **Appropriate face masks or coverings shall be used by all persons (including, but not limited to, judges, clerks, court reporters, bailiffs, attorneys, litigants, observers, victims, and witnesses) in public court areas and during all court proceedings. Upon a showing of good cause, the judge presiding over the case may limit this requirement for a witness while the witness is testifying and for an attorney, unrepresented party or judge while examining a witness.** A face mask will be provided to those who do not have one. Face masks or coverings must be appropriate for Court decorum. Whether or not a chosen face mask or covering is appropriate shall be in the sole discretion of the judge presiding over the proceeding.

7. Persons granted access to Court premises but refusing to comply with social distancing, sanitation and/or face mask/covering standards will be removed from Court premises by security staff.

8. Vulnerable judicial employees may return to work. Supervisors shall make reasonable accommodations to address those vulnerabilities.

9. **Judicial employees, including judges, clerks, court reporters, juvenile officers and secretaries, shall observe strict social distancing protocols and observe at least a six-foot minimum physical distance from others in all offices, meetings and court proceedings.** Tape or other visible means will be used to demark six-foot distances. **Face masks or coverings shall be worn except when an individual is alone and in a private office.**

10. Normal staffing schedules for judicial employees shall resume.

11. Judicial employees will be allowed to stay at home if the employee:

(a) is subject to a quarantine or isolation order or is living with or caring for a person subject to a quarantine or isolation order;

(b) has been advised by a health care provider to self-quarantine or is living with or caring for an individual who has been advised by a health care provider to self-quarantine;

(c) is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with or caring for an individual who is experiencing symptoms of COVID-19 and seeking medical diagnosis.

IT IS SO ORDERED.

Date: July 29, 2020



Kevin L. Walden, Presiding Judge
Eighth Judicial Circuit