

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

FILED
JUL 30 2020
KIMBERLY K JOHNSON
Clerk of the Circuit Court Platte County, MO

**ADMINISTRATIVE ORDER RE: SUPREME COURT ORDER OF JULY 24, 2020 ON
PHASES 1, 2 AND 3**

Administrative Order 2020-023

This order amends this Court's Administrative Order 2020-022 dated June 30, 2020.

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of the COVID-19 virus (also known as the novel coronavirus) is a worldwide pandemic;

WHEREAS, both the President of the United States and the Governor of the State of Missouri have recently declared states of emergency related to this pandemic;

WHEREAS, the Supreme Court of Missouri, on April 17, 2020, issued its Order suspending (with certain exceptions) all in-person court proceedings in appellate and circuit courts, effective April 17, 2020 through May 15, 2020; and on May 4, 2020 issued an Order and Operational Directives for Easing COVID-19 Restrictions on In-person proceedings effective May 16, 2020;

WHEREAS, the Platte County Health Department entered its Amended Platte County Health Department Order for Ongoing Response, Reopening and Recovery in Platte County, Missouri (Phase 2, Step 1) on May 1, 2020 which order was effective May 4, 2020;

WHEREAS, it is imperative to take all necessary steps to protect the health and safety of all employees of the 6th Judicial Circuit, all judicial officers, and all attorneys and parties who have court hearings or other business in the 6th Judicial Circuit, while also balancing the rights of all said individuals and parties to litigation;

WHEREAS, the COVID-19 virus is highly contagious, spreading rapidly between people in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes, or when a person touches a contaminated surface and then touches their mouth, nose or eyes;

WHEREAS, there is currently no approved vaccine for the COVID-19 virus;

WHEREAS certain members of our community are especially vulnerable to infection by the COVID-19 virus, including those over the age of 65, pregnant women, and those with chronic medical conditions such as heart disease, lung disease, and diabetes;

WHEREAS, the Presiding Judge of the 6th Judicial Circuit has authority over all cases, trials, and dockets of this Circuit, including all scheduling of the same;

WHEREAS, the Presiding Judge of the 6th Judicial Circuit has administrative authority over all courthouse personnel;

WHEREAS, the Presiding Judge of the 6th Judicial Circuit has authority over all access to the courthouse itself and the juvenile services center (collectively "the courthouse");

WHEREAS, this Court has been operating in Phase 0 consistent with the Supreme Court's April 17, 2020 Order. In Phase 0, all in-person proceedings are suspended except:

- 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;
- Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;
- Proceedings pursuant to chapter 453 pertaining to adoption;
- Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
- Proceedings pursuant to chapter 455 pertaining to orders of protection;
- Proceedings related to emergency child custody orders;
- Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- Proceedings related to emergency mental health orders;
- Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- Proceedings directly related to the COVID-19 public health emergency;
- Oral arguments regarding time-sensitive matters; and
- Other exceptions approved by the Chief Justice of the Supreme Court.

Proceedings that do not require in-person appearances of parties or counsel have continued by utilizing available technologies – including teleconferencing and video conferencing – whenever possible.

The Circuit Court of Platte County will continue to operate in Phase 0 until May 16, 2020; and

WHEREAS, the Supreme Court issued an Order on May 4, 2020, effective May 16, 2020, whereby the Presiding Judge of each circuit court will determine, based on certain Gateway Criteria, when that circuit will progress to Phase 1, Phase 2, and Phase 3; and

WHEREAS, the Supreme Court issued an order on July 24, 2020, effective August 1, 2020 which supersedes the Order of May 4, 2020; and

WHEREAS, the Court will progress to Phases 1, 2, and 3 only if local COVID-19 conditions are such that (after consultation with public health authorities), 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, after consultation with local health authorities, if it is determined in the future that local COVID-19 conditions are worsening beyond what was expected by said authorities, or that there is a resurgence of COVID-19 cases in the community, the Presiding Judge may return to a

lower Operating Phase including, when necessary and appropriate, returning to Operating Phase 0.

THEREFORE, IT IS HEREBY ORDERED that, having consulted with local health authorities, the Court makes the following findings based on the Gateway Criteria:

1. There have been no confirmed COVID-19 cases in the courthouse to date.
2. The Platte County Health Department entered an order effective May 4, 2020 allowing some businesses to reopen with certain restrictions.
3. Local government authorities have found that the public health system has the hospital resources, testing resources, and public health containment resources to begin the process of safely re-opening the local economy.
4. Local health officials approve of changes to levels of court and courthouse activities consistent with restrictions on occupancy and social distancing requirements.

Based on these findings, the Presiding Judge finds that local conditions (based on consultation with local health authorities) are such that the Court can progress to Phase 1 effective May 16, 2020.

However, if it is determined in the future that local conditions are worsening or that there is a resurgence of COVID-19 cases in the community, the Court may return to Operating Phase 0.

Operating Phase 1 Effective May 16, 2020:

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 court house.
- 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. Individuals entering the courthouse are screened by courthouse security and asked a series of screening questions, including: any COVID-19 symptoms they have experienced; travel outside the United States within 14 days; traveling inside specific states within 14 days; whether the individual has been asked to self-quarantine by any doctor or health agency; had contact with anyone who has tested positive for COVID-19; whether the individual has tested positive for COVID-19; and whether the individual has been on a river or ocean cruise in the last 14 days. A positive response to any question will result in the person being denied admittance to the courthouse or juvenile services facility.
- e. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required. Those who do not have a mask will be provided a mask. Other courthouse personnel who have contact with the public shall wear a mask during

any such contact (for example at payment windows) and shall wear a mask in any area of the Courthouse open to the public.

- f. Only the most critical in-person proceedings will be held, with occupancy in the courtroom limited to 10 or less (including court staff) whenever possible. Attorneys who believe they have a critical matter that requires an in-person hearing should contact the Court. There is currently a procedure in place for attorneys to do traffic ticket amendments without any in-person contact. This procedure will continue in this Phase 1.
- g. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys are **strongly** encouraged to schedule motion hearings and other matters by telephone or video conference. Attorneys are also **strongly** encouraged to enroll in Webex videoconferencing as that is the system approved by OSCA.
- h. Jury trials will not be held through July 5. The jury commissioner is **ORDERED** and authorized to suspend the impaneling of juries for the weeks of May 11; May 18, May 25, June 1, June 8, June 15, June 22 and June 29, 2020. All jury trials previously scheduled for those weeks are hereby continued and shall be rescheduled to a later date.
- i. Large venues and common areas such as break rooms 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. Increased cleaning and disinfecting is to occur throughout the day (as needed) and hand sanitizer will be made available.
- k. All non-essential travel by judicial employees for work related functions is suspended.
- l. This court's prior order regarding the Platte County Circuit Clerk Office Staffing (Administrative Order 2020-016) is extended to June 15, 2020.
- m. As before, The Courthouse shall remain open, regardless of Operating Phase status, for all other court-related business, including but not limited to:
 - i Payment of fines, court costs and fees by unrepresented defendants;
 - ii Payment of restitution;
 - iii Payment of child support;
 - iv Meetings in the Platte County Prosecutor's Office (e.g. victims, witnesses, law enforcement officers, probation officers or attorneys);
 - v Conferences with judges;
 - vi Filings of criminal, civil, probate, or family court cases, including but not limited to adult and child abuse orders of protection, temporary restraining orders, and mental health-related orders;
 - vii Any issue or matter involving the Public Administrator's Office;
 - viii Individual questions regarding any court-related matter; and
 - ix Any court proceedings that do not require in-person appearances of the parties or counsel.

The Court will remain in Operating Phase 1 until June 15, 2020. If the Presiding Judge finds that local conditions (based on Gateway Criteria and after consultation with local health authorities) are appropriate, then the Court can progress to Phase 2 effective June 15, 2020.

However, if after consideration of the Gateway Criteria and after consultation with local health authorities it is determined that local COVID-19 conditions have deteriorated, the Court may remain in Phase 1 or return to Phase 0.

Operating Phase 2 Effective June 15, 2020

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 continue to be screened at the entrance to the court facility and may not be allowed to enter as outlined in paragraph d. of Phase 1 above.
- d. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required. Those who do not have a mask will be provided a mask. Other courthouse personnel who have contact with the public shall wear a mask during any such contact. Other courthouse personnel who have contact with the public shall wear a mask during any such contact (for example at payment windows) and shall wear a mask in any area of the Courthouse open to the public.
- e. In-person proceedings will be held, as long as social distancing requirements can be met. Maximum occupancy in the courtroom will be 25 or less (**occupancy will depend on courtroom size – see paragraph f. below**) which includes court staff. Attorneys may notice routine matters on the Court's routine dockets and may contact the Court for special settings.
- f. The maximum occupancy of the courtrooms in Platte County varies, and any occupancy limit includes the judge and staff. With social distancing requirements in place, this will **significantly** limit the number 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 foyer, outside, in another location, 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.
- g. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys who are not comfortable with in-person hearings are encouraged to schedule motion hearings and other matters by telephone or video conference.
- h. 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.

- i. Increased cleaning and disinfecting is to occur as needed each day (as needed) and hand sanitizer will be made available.
- j. All non-essential travel by judicial employees for work related functions is suspended.

The Court will remain in Operating Phase 2 until June 30, 2020. If the Presiding Judge finds that local conditions (based on Gateway Criteria and after consultation with local health authorities) are appropriate, then the Court can progress to Phase 3 effective July 1, 2020.

However, after consideration of the Gateway Criteria and after consultation with local health authorities indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase 2 or return to Phase 1 or 0.

Effective July 1, 2020: the court will remain in Phase 2 as set forth above with the following additional orders:

After consideration of the Gateway Criteria, after consultation with local health authorities, and also as a result of changing circumstances which have occurred since the entry of this court's prior order of May 22, 2020, including a continuing rise in COVID-19 infections, and the continuing phased re-opening of businesses, society and government, jury trials are hereby cancelled through September 13, 2020 notwithstanding the terms of this order contained in paragraph h. under Phase 1 herein **unless a statutory or constitutional provision requires otherwise, or upon approval of the presiding judge.** The jury commissioner is **ORDERED** and authorized to continue to suspend the summoning and impaneling of all petit juries for all jury trials which were set prior to September 13. Beginning September 14, 2020, jury trials may be held by the judge presiding over the case. Jury trials shall be conducted in compliance with social distancing protocols and in conformance with any Missouri Supreme Court Orders or Directives. The court will continue to evaluate all circumstances and factors that impact the timing and ability to safely resume jury trials. Grand jury proceedings may be held during this time period.

The Court will remain in Operating Phase 2 until July 31, 2020. If the Presiding Judge finds that local conditions (based on Gateway Criteria and after consultation with local health authorities) are appropriate, then the Court can progress to Phase 3 effective August 1, 2020.

However, after consideration of the Gateway Criteria and after consultation with local health authorities indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase 2 or return to Phase 1 or 0.

After consideration of the Gateway Criteria, after consultation with local health authorities, and also as a result of changing circumstances which have occurred since the entry of this court's prior order of June 30, 2020, including a continuing rise in COVID-19 infections,

Effective August 1, 2020: the court will remain in Phase 2 as set forth above with the following additional orders:

- k. Notwithstanding the provisions of paragraph d. of Operating Phase 2 above, face masks or coverings shall be required of all persons 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. Those who do not have a mask will

be provided a mask. Vulnerable litigants, witnesses, attorneys and other individuals involved in a court proceeding may participate in the proceedings remotely or may continue or postpone their required presence at the courthouse. Vulnerable individuals are defined by the CDC as individuals 65 years of age 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.

l. Face masks or coverings shall be required except when an individual is alone in a private office.

m. Judicial employees, when in the courthouse should maximize physical distance from others. Six foot distancing should continue to be observed in all offices, meetings, and court proceedings.

n. Notwithstanding the provisions of paragraph d. in Operating Phase 1 above, all persons seeking entry into the courthouse, including attorneys, litigants and witnesses will continue to be asked appropriate COVID-19 screening questions and may not be allowed to enter. However, if an individual seeking to enter the courthouse has tested positive for or had COVID-19 but has been released from isolation, he or she may be allowed to enter.

o. Breakrooms/canteens and drinking fountains are closed until further notice.

The court will remain in Operating Phase 2 until September 13, 2020. If the Presiding Judge finds that local conditions (based on Gateway Criteria and after consultation with local health authorities) are appropriate, then the Court can progress to Operating Phase 3 effective September 14, 2020.

Operating Phase 3 effective September 14, 2020.

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

a. Notwithstanding the provisions of paragraph d. in Phase 1 above, all persons seeking entry into the courthouse, including attorneys, litigants and witnesses will continue to be asked appropriate COVID-19 screening questions and may not be allowed to enter. However, if an individual seeking to enter the courthouse has tested positive for or had COVID-19 but has been released from isolation, he or she may be allowed to enter.

b. Social distancing is required of court staff, attorneys, parties and witnesses. Judicial employees, when in the courthouse should maximize physical distance from others. Six foot distancing should continue to be observed in all offices, meetings, and court proceedings.

c. Face masks or coverings shall be required of all persons 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. Those who do not have a mask will be provided a mask. Vulnerable litigants, witnesses, attorneys and other individuals involved in a court proceeding may participate in the proceedings

remotely or continue or postpone their required presence at the courthouse. Vulnerable individuals are defined by the CDC as individuals 65 years of age 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.

- d. Face masks or coverings shall be required except when an individual is alone in a private office.
- e. In-person proceedings will be held, including grand and petit jury proceedings that can be conducted in compliance with social distancing protocols and occupancy rate limitations. Attorneys may notice routine matters on the Court's routine dockets and may contact the Court for special settings.
- f. The maximum occupancy of the courtrooms in Platte County varies, and any occupancy limit includes the judge and staff. With social distancing requirements in place, this will **significantly** limit the number 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.
- g. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys who are not comfortable with in-person hearings are encouraged to schedule motion hearings and other matters by telephone or video conference.
- h. Large venues and common areas such as courtrooms, jury assembly rooms, jury deliberating rooms, breakrooms/canteens and other areas in the court facility can operate under social distancing protocols.
- i. Increased cleaning and disinfecting is to occur throughout each day as needed and hand sanitizer will be made available.
- j. All non-essential travel by judicial employees for work related functions may resume.

Phase 3 will continue until the Supreme Court issues an Order replacing its July 24, 2020 Order.

IT IS FURTHER ORDERED FOR ALL THREE PHASES:

a. Courthouse employees, including all judicial officers and court reporters, **who either currently have symptoms** of acute respiratory illness including chest or sinus congestion, runny nose, persistent or heavy cough, sore throat, fever, body aches, fatigue, or shortness of breath, **or who develop such symptoms during the time of this order** are hereby **ORDERED** to stay home from the onset of such symptoms until they recover as set forth below. Vulnerable judicial employees should work with supervisors to stay/work at home if possible.

b. Courthouse employees, including all judicial officers and court reporters, who are caring for or living in close proximity with a family member, friend, or other loved one, who either currently has or who develops symptoms of acute respiratory illness including chest or

sinus congestion, runny nose, persistent or heavy cough, sore throat, fever, body aches, fatigue, or shortness of breath, are hereby **ORDERED** to stay home from the onset of such symptoms until such person recovers, and the employee completes a home quarantine period as set forth below.

c. All employees who stay home due to illness or to care for an ill member of their household are strongly encouraged to obtain COVID-19 testing for themselves and/or their ill household member.

- d. Those courthouse employees who stay home due to illness, or stay home to care for an ill member of their household, are eligible to receive administrative leave with pay for that time period if the employee or that household member has a confirmed case of COVID-19 infection.
- e. Those courthouse employees who have a confirmed case of COVID-19 infection will not be allowed to return to work until they recover and meet the following criteria:
 - i. The employee is free of fever (100.4 degrees F or 37.8 degrees C or greater using an oral thermometer), signs of a fever, and any other such symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants); and
 - ii. The employee is cleared, in writing, by either a physician or by the Platte County Health Department to return to work. The employee is required to submit written documentation to that effect to their supervisor immediately upon returning to work.
- f. Those courthouse employees who stay home from work to care for an ill household member who has a confirmed case of COVID-19 infection will not be allowed to return to work until that household member recovers and the following criteria are met:
 - i. The household member is free of fever (100.4 degrees F or 37.8 degrees C or greater using an oral thermometer), signs of a fever, and any other such symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants); and
 - ii. Beginning with the above date at which their ill household member is recovered, the employee completes a 14 day period of home quarantine; and
 - iii. The employee is cleared, in writing, by either a physician or by the Platte County Health Department to return to work. The employee is required to submit written documentation to that effect to their supervisor immediately upon returning to work.
- g. Those courthouse employees who stay home due to illness, or stay home to care for an ill member of their household, and subsequently either themselves or that household member do not have a confirmed case of COVID-19 infection will be required to take normal sick or vacation time to cover that period of absence.

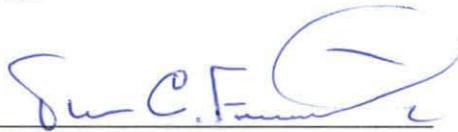
Municipal Courts

Municipal Courts in Platte County are governed by this Order. In-person proceedings in Municipal Courts were previously suspended until June 15, 2020 (Phase 1.) Municipal Courts may impose greater restrictions (but not lesser) than those stated herein. The applicable occupancy limit must be based on the number of people who can be present in the municipal court facility while maintaining social distancing requirements unless otherwise specified by the Platte County Health Department.

Questions

Please email all questions to the clerks of each division.

Date: 7/30/20



Thomas C. Fincham, Presiding Judge