IN THE TWENTY-FIFTH JUDICIAL CIRCUIT, STATE OF MISSOURI
COUNTIES OF PHELPS, PULASKI, TEXAS AND MARIES

ADMINISTRATIVE ORDER 2020-24

RE: Progression to Phase Two for Pulaski County Courthouse Under Missouri Supreme Court COVID-19 Operational Directives

WHEREAS, the Missouri Supreme Court issued a Superseding Order and Operational Directives ("Directives") on July 24, 2020 setting forth procedures for the gradual resumption of court activities previously suspended by the Court's prior orders; and

WHEREAS, the Directives create four different phases for court operations, from Phase Zero (the most restrictive) to Phase Three (the least restrictive); and

WHEREAS, the Pulaski County Courthouse is currently operating under Phase One; and

WHEREAS, it is appropriate that such court facility progress to Phase Two.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Pulaski County Courthouse is hereby moved to Operating Phase Two. The details for operating under Phase Two are set forth herein.

2. All in-person court proceedings are suspended, except that the following in-person proceedings are specifically permitted:

- 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 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;
- Any other in-person proceeding, if and only if deemed in writing "most critical" by the judge having jurisdiction. No grand jury or petit jury proceedings are permitted; and
- Other exceptions approved by the Chief Justice of the Missouri Supreme Court.

3. Though a court is permitted to set an in-person hearing in a proceeding listed in paragraph 2, it is not required to do so, and instead is encouraged to handle such proceeding by audio conference or video conference if possible. If an in-person proceeding is necessary, it shall be limited to the attorneys, parties, witnesses, security officers, and others necessary to the proceeding as determined by the judge presiding over the proceeding. The judge presiding over an in-person proceeding shall allow vulnerable[1] litigants, witnesses, victims, attorneys, and other participants to participate in the proceeding remotely by audio conference or video conference, or, if such remote participation is not feasible, postpone such person's in-person presence or postpone the in-person proceeding. If a proceeding is one that is open to the public by law, any member of the public desiring access shall be provided upon request with electronic access by either audio conference or video conference. The judge presiding over a proceeding has the discretion to excuse jurors or other individuals who cannot or should not appear as a result of risks associated with COVID-19.

4. All proceedings that do not require in-person appearances of parties or counsel are not suspended and should continue to occur by audio conference, video conference, or otherwise as prescribed by the judge having jurisdiction.

5. Judges and court staff are encouraged to continue utilizing all available technologies – including audio conferencing and video conferencing – whenever

[1] "Vulnerable" persons are defined by the Centers for Disease Control and Prevention 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.

possible to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.

6. In each case, judges and court staff shall endeavour to specify by docket entry available on Casenet a reasonable time in advance of a given court date the type of appearance expected by attorneys and parties. If the appearance is required by audio conference or video conference, the joining information for participating should be included in the docket entry.

7. A current version of this Court's Administrative Order limiting courthouse access of persons with risk factors for the COVID-19 virus and advising of COVID-19 precautions shall be posted at each exterior entrance of each court facility. Court security staff are permitted to screen persons entering the courthouse with a temperature check. Also, basic screening questions are permitted in order to identify COVID-19 risk factors. The questions are limited to determining whether the person (a) has traveled to any foreign country within the last 14 days, (b) resides or has had close contact with someone who has traveled to a foreign country within the last 14 days, (c) has been asked to self-quarantine by any doctor, hospital or health agency, (d) has been diagnosed with, or had contact with anyone who has been diagnosed with COVID-19, or (e) has an unexplained fever, cough or shortness of breath within the last forty-eight hours.

8. All non-essential travel by judicial employees for work-related functions is suspended.

9. Social distancing of at least six feet shall be practiced in all courtrooms, jury assembly rooms, judicial offices, clerical offices, court security offices, hallways, and other areas in the court facility.

10. The occupancy limit for courtrooms, jury assembly rooms, and other areas of the court facility shall be the lesser of either twenty-five persons or the number of persons who can safely occupy that room taking into account six foot minimum social distancing requirements. The occupancy limit shall be posted for each room at the entrance of the room. For a lobby, it should be posted near the entrance to the lobby.

11. Face masks or coverings shall be required in all courtrooms, jury assembly rooms, judicial offices, clerical offices, court security offices, hallways, and

other areas in the court facility except when an individual is alone in a private office.

12. Notwithstanding the previous paragraph, a judge presiding over a particular proceeding for good cause shown may permit a person to remove the mask or face covering during that proceeding, such as for a witness who is testifying.

13. Tape or other visible means shall be used to demark six-foot distances where practical in all court facilities.

14. Judges and court staff should remain alert to the possibility of congestion in waiting areas when dockets contain multiple cases requiring in-person appearances. Steps should be taken to avoid such congestion, such as by asking participants at the courthouse entrance to wait in their motor vehicles until they receive a call that the court is ready for their case.

15. The current practice of increased cleaning and disinfection of common areas and the provision of hand sanitizers and wipes shall continue.

16. Vulnerable judicial employees should work with supervisors to stay at home. Employees who live with or provide care for vulnerable individuals should do the same to the greatest extent possible to reduce chances that they could carry the virus to those vulnerable individuals.

17. Judicial employees are permitted to work in shifts whenever possible and feasible to keep staffing levels to a bare minimum to support court activity.

18. A judicial employee is permitted to stay home where possible if the employee: a) Is subject to a quarantine or isolation order or is living with or caring for such an individual; 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 to self-quarantine; c) Is considered high risk based on local or state health officials or departments criteria for contracting COVID-19, or is living with or caring for such an individual; d) Is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with or caring for such an individual; or e) Is caring for a child whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions.

19. This Order is effective immediately and shall remain in full force and effect until further court order.

SO ORDERED this 13th day of October, 2020.

William E. Hickle, Presiding Judge

Cc: Honorable John D. Beger
Honorable Kenneth G. Clayton
Honorable Colin P. Long
Honorable Douglas D. Gaston
Honorable Kerry G. Rowden
Honorable Mark D. Calvert
Honorable Michael V. Headrick
Circuit Clerks, Sheriffs, County Commissioners and County Clerks of Phelps, Pulaski, Texas, and Maries counties
Area Attorneys
File