



**IN THE CIRCUIT COURT OF THE 30TH JUDICIAL CIRCUIT
BENTON, DALLAS, HICKORY, POLK AND WEBSTER COUNTIES**

**ADMINISTRATIVE ORDER REGARDING WEBSTER COUNTY RETURN TO
OPERATIONAL PHASE ONE RESPONSIVE TO SUPREME COURT ORDERS OF
MAY 4, 2020 (eff. May 16) AND JULY 24, 2020 (eff. August 1)**

On May 4, 2020, the Missouri Supreme Court entered an Operational Directives Order effective May 16, 2020 and outlined Gateway Criteria and an Operational Phase (Zero, One, Two and Three) Approach which indicates, in part, the following:

A. Gateway Criteria

If these Gateway Criteria suggest local conditions are worsening or that there is a resurgence of COVID-19 cases in the community, a presiding judge or chief judge should move to a lower Operating Phase including, when necessary and appropriate, returning to Operating Phase Zero.

B. Operating Phase Approach

1. Based upon the Criteria above, a presiding judge or chief judge may order a change of Operating Phase for each locality either up or down.

On July 24, 2020, the Missouri Supreme Court delivered to the Presiding Judges an Amended Operational Directives Order effective August 1, 2020 (*Current Order*) which inserted a new aspect into Paragraph A which indicates, in part, the following:

A. Gateway Criteria

If any court employee, bailiff, or other court personnel currently working in a court facility tests positive for COVID-19, the presiding or chief judge shall move that court facility to Operating Phase One or Zero.

This Court is to follow the Operational Directives of the *New Order* which indicates the following:

A court may revert back immediately to a prior Operating Phase when local conditions and circumstances require it.

This Court is currently operating under the directives of the *Current Order* and the Order the undersigned executed May 15, 2020, effective May 16, 2020. This Circuit is and has been operating under the operational directive of Phase Three since June 15, 2020. To the extent that this Court's May 15, 2020 Order indicates that the Order was to expire June 26, 2020, unless extended prior thereto, the Court finds that aspect erroneous and void as inconsistent with the Missouri Supreme Court's *New Order* and as this Circuit has been operating in Phase Three as necessary beyond June 26.

The Gateway Criteria under the *Current Order* indicates the following:

B. Operating Phase Approach

3. h. In any order or decision moving and adopting courthouse operations from one Operating Phase to another, the terms and conditions of the Operating Phases set out below can be modified by a presiding or chief judge to be made more stringent than these Operating Directives provide, but not less stringent.

This Court has confirmed this date that a clerk of the Webster County Court has tested positive for COVID-19. Accordingly, the Court after consultation with judicial partners, Orders that the all Court facilities of the Webster County Courthouse return to Operational Phase One. A copy of the *New Order* is attached hereto for reference. This Order shall not affect any stand-alone municipal division of Webster County.

During operation of this Phase, the Circuit Clerk's Office shall not return to the partial closing and the rotating clerk work schedule as previously administratively ordered by the undersigned March 23, 2020 due to the number of the clerk's staff who are unable to work remotely and the number of clerk's staff in training. To do otherwise would impermissibly restrict the public's access to court and undermine the court's ability to perform its core constitutional function. However, all clerks are required to wear masks except when working alone in their private office pursuant to Section D, paragraph 9 of the *New Order* and shall maintain six-foot social distancing pursuant to Section D, paragraph 11 of the *New Order*.

The Court shall proceed to Phase Two in Webster County on October 5, 2020 only upon the entry of a newly executed Exhibit A as required by the *New Order* indicating proceeding to Phase Two on and after said date.

A copy of this Order and Exhibit A is ordered delivered via e mail to the Missouri Supreme Court, the judges of this Circuit, the Webster County Circuit Clerk, the Webster County Clerk's Office, the Marshfield Mail, and to the regularly practicing attorneys of the 30th Circuit as required by the *New Order*.

Date: September 21, 2020



Michael O. Hendrickson, Presiding Judge