

**IN THE 39TH JUDICIAL CIRCUIT OF MISSOURI
LAWRENCE COUNTY**

**All Divisions EXCEPT Municipal Divisions whose courts
are not presided over by an Associate Circuit Judge and
whose clerical operations are not performed by the
Circuit Clerk**

In Re: Transition to Operating Phase One

ADMINISTRATIVE ORDER 2020-11D

ORDER

**THIS ORDER SUPERCEDES ADMINISTRATIVE ORDERS 2020-11A and 2020-11C
IN ALL DIVISIONS OF THE CIRCUIT COURT OF LAWRENCE COUNTY EXCEPT
MUNICIPAL DIVISIONS WHOSE COURTS ARE NOT PRESIDED OVER BY AN
ASSOCIATE CIRCUIT JUDGE AND WHOSE CLERICAL OPERATIONS ARE NOT
PERFORMED BY THE CIRCUIT CLERK**

WHEREAS, through its Order and Operational Directives issued on July 24, 2020, effective August 1, 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 presiding judges and chief judges should monitor local circumstances on a regular basis and that a court may revert back immediately to a prior Operating Phase when local conditions and circumstances require it.

WHEREAS, the aforesaid Operational Directives provide that 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; and

WHEREAS, as ordered by the Supreme Court of Missouri, the courts of the 39th Circuit have been operating at Operational Phase Three since June 15, 2020; and

WHEREAS, having been made aware of the extended presence of an infected individual in an office in the court facility and having evaluated the Gateway Criteria in consultation with local health officials and the court *en banc*, the presiding judge finds local conditions warrant transition to Operational Phase One.

IT IS HEREBY ORDERED:

Beginning October 4, 2020, and continuing until issuance of a subsequent Order, all divisions of the Lawrence County Circuit Court excluding municipal divisions whose courts are not presided over by an Associate Circuit Judge and whose clerical operations are not performed by the Circuit Clerk shall operate at Operational Phase One 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 One, as directed by the Supreme Court of Missouri, the affected divisions of the Circuit Court of Lawrence County shall operate as follows.

1. The courts shall continue utilizing all available technologies, including conferencing via video on platforms such as Scopia and Webex, and teleconferencing, in ALL cases to limit in-person court appearances to the extent not prohibited by constitutional or statutory provisions.

2. **ONLY WHEN APPEARANCES VIA VIDEO OR TELEPHONE ARE NOT FEASIBLE AND ONLY IN THE MOST CRITICAL PROCEEDINGS**, a judge may conduct a proceeding with participants attending in person. Even in such circumstances, the court shall require all persons feasible to appear via video or telephone. Social distancing shall be strictly observed throughout all such proceedings. Attorneys or unrepresented parties who believe they have a critical matter that requires an in-person hearing should notify the court clerk.

The following proceedings are deemed most critical:

- a. 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;
- b. Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect and termination of parental rights;
- c. Proceedings pursuant to chapter 453 pertaining to adoption;
- d. Proceedings pursuant to chapter 455 pertaining to orders of protection;
- e. Proceedings related to emergency child custody orders;
- f. Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- g. Proceedings related to emergency mental health orders;
- h. Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- i. Proceedings directly related to the COVID-19 public health emergency;
- j. Oral arguments regarding time-sensitive matters;
- k. Other exceptions approved by the Chief Justice of the Supreme Court.
- l. Proceedings in which the judge presiding over the case finds that an immediate hearing is necessary due to exceptional, exigent and time-sensitive circumstances.

3. Due to the need to limit capacity and facilitate social distancing, members of the public who are not directly involved in a court proceeding will not be permitted to enter the judicial facility for the purpose of observing court proceedings without obtaining court permission in advance. Persons desiring such permission should contact the court clerk to explain why their presence in the building may be necessary.

4. Large venues and common areas, including breakrooms, within judicial facilities and under the authority of the court shall be closed.

5. No more than 10 persons will be permitted in any courtroom at any one time.

6. 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.

7. Strict social distancing protocols shall be observed and employed with all individuals maintaining separation of at least 6 feet.

8. Vulnerable individuals shall be permitted to participate in court proceedings remotely or 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.

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

10. 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.

11. No petit juries or grand juries will be summoned or convened.

12. Court facilities shall be regularly disinfected throughout the day.

13. Hand sanitizer shall be available.

14. Vulnerable judicial employees shall 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.

15. Judicial employees should observe at least a six-foot minimum physical distance from others in all offices, meetings and court proceedings.

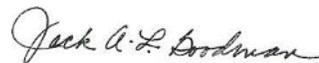
16. Non-essential travel by judicial employees for work-related functions is suspended.

17. Staggered shifts for judicial employees will be resumed immediately.

18. Judicial employees meeting any of the following criteria will be allowed to stay at home where possible:

- 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 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. Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis or is living with or caring for such an individual; or
- e. Employee 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.

SO ORDERED this 4th day of October, 2020, and continuing from day-to-day.



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