



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

**ADMINISTRATIVE ORDER RESPONSIVE TO SUPREME COURT ORDER OF
MAY 4, 2020
ON PHASES ONE, TWO AND THREE (eff. May 16, 2020)**

WHEREAS on March 13, 2020, Missouri Governor 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 effective April 6, 2020, Missouri Governor Parson made effective a “Stay Home Missouri” Order to combat the spread of COVID-19 in Missouri which remained effective through May 3, 2020. On April 27, 2020, Governor Parson announced that Missouri would enter an initial recovery phase beginning May 4, 2020, and issued the Show Me Strong Recovery 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 March 16, 2020, the Presiding Judge of this Circuit issued an Administrative Order providing strategies to prevent the spread of respiratory germs into, within, and between court facilities which shall remain effective and posted at each courthouse; and

WHEREAS on March 22, 2020, and April 1, 2020, the Missouri Supreme Court issued Orders suspending in-person court proceeding with the following exceptions:

- 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 and

all proceedings that have not required in-person appearances of parties or counsel have been undertaken whenever possible by utilizing available audio visual technologies such as teleconferencing and Webex; and

WHEREAS the Missouri Supreme Court's latter Order of Suspension shall expire May 15, 2020; and

WHEREAS on May 4, 2020, the Missouri Supreme Court issued an Operational Directives Order effective May 16, 2020, identifying Gateway Criteria Courts are to follow in exercising an Operating Phase Approach in resuming previously suspended court activities wherein Phase Zero is identified as the Phase in which Courts have been operating during the Court's suspension Orders and further identifies Phases One, Two and Three which Circuit Courts are to design and each of which are to last a minimum of 14 days; and

WHEREAS this Circuit will cease Phase Zero Operations and begin Phase One Operations on May 16, 2020 for a period of not less than 14 days; and

WHEREAS this Circuit will progress to Phases Two and Three only if local COVID-19 conditions continue to stay the same or improve, and it can implement sufficient procedures to ensure the safety of every litigant, juror, witness, victim, judicial employee, attorney and other individuals involved in judicial proceedings; and

WHEREAS the Presiding Judge has consulted with, and before progression to another Phase will consult again with, judicial partners and each of the county Directors of Health and examined COVID-19 data at

<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/results.php>.
As of this date, current Circuit COVID-19 data is as follows:

Benton - 9 total, 7 recovered, 2 active
Dallas - 2 total, 1 recovered, 1 active
Hickory - 0 total
Polk - 2 total, 1 recovered, 0 active
Webster - 16 total, 15 recovered, 1 active

Only two of the Circuit's active cases arose in the last 14 days. There have been no positive COVID-19 cases in any jail of the Circuit. There have been no COVID-19 related deaths in the Circuit; and

WHEREAS if it is determined in the future that local COVID-19 conditions are worsening or that there is a resurgence of COVID-19 cases in the community, the Presiding Judge may return the Circuit to a lower Operating Phase including, when necessary and appropriate, returning to Operating Phase Zero.

THEREFORE, IT IS HEREBY ORDERED that, having consulted with local health authorities, judges, county commissions, circuit clerks and other judicial partners, the Court makes the following findings based on the Gateway Criteria:

1. There have been no confirmed COVID-19 cases in any court facility or jail to date.
2. No Circuit County Commission currently has any Order in effect that is more restrictive than the Governor's Show Me Strong Recovery Order and social gatherings may resume and all businesses may reopen with certain restrictions.
3. COVID-19 health conditions have been stable over a 14-day period in the Circuit and there is no evidence of community spread of COVID-19 in the Circuit.
4. Local government authorities have found that the public health system has the hospital, testing and public health containment resources to begin the process of safely re-opening the local economy.
5. No local health official has expressed disapproval of the following activities in courtroom or courtroom facilities as defined herein in Phase One paragraph a. if the Circuit remains consistent with limitations on occupancy and social distancing requirements set forth herein.

Based on these findings, the Presiding Judge finds that local conditions are improving sufficiently to allow the Circuit to progress to Phase One 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 Circuit, the Circuit may return to Operating Phase Zero.

Operating Phase One Effective May 16, 2020:

In Phase One, the Circuit will operate with the following restrictions:

- a. Members of the public who are not litigants, witnesses or victims involved in a court proceeding will not be allowed access to courtroom facilities defined herein and below as courtrooms or common areas adjacent to courtrooms including hallways, stairwells, elevators, clerk offices, break rooms, jury rooms, witness meeting rooms and law libraries.
- b. A minimum of six feet of social distancing is required of court staff, attorneys, litigants, witnesses and victims. Tape or other visible means may be utilized to demark six feet distances where practical.
- c. Individuals will not be allowed access to courtroom facilities who have been exposed to or are exhibiting symptoms of COVID-19.
- d. Individuals who have or report having had a temperature of 100.4 degrees or more within the last 48 hours will not be allowed access to a courtroom facilities.
- e. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is encouraged and recommended. However, no witness shall be allowed to wear a mask over their face while testifying under oath.
- f. Only the most critical in-person court proceedings will be held, with occupancy in the main, jury-capable courtrooms of the Circuit limited to 10 or less persons whenever possible. Any judge presiding over a case or docket may increase that occupancy limitation for good cause but only on a case-by-case or docket-by-docket basis but never at the expense of the strict six feet social distancing requirement. By social distancing necessity, in the smaller courtrooms of the Circuit, the occupancy shall be limited to only the attorneys, their clients and a witness while testifying. No occupancy limitation outlined herein shall be affected by the presence of court personnel necessary to undertake any case or docket. Each judge presiding over any case or docket shall determine which cases are most critical to undertake and may continue any case the judge determines not critical. Attorneys who believe they have a critical matter that requires an in-person hearing should notify the judge or court clerk.
- g. Continue to use available of technologies such as teleconferences and Webex for hearings. Attorneys are encouraged request motion hearings and other matters by teleconference or Webex.
- h. Jury trials will not be held.
- i. Occupancy limitation rates for courtroom facilities are limited to 10 or less whenever possible.
- j. Extra janitorial cleaning and disinfecting and acquisition of hand sanitizer will be requested of the Circuit's county commissions which they may pay for by the

funds the counties have already received from the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act.

The Circuit will remain in Operating Phase One until June 1, 2020, at which time it will proceed to Phase Two if local COVID-19 conditions remain the same or improve. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Circuit may remain in Phase One or return to Phase Zero.

Operating Phase Two Effective June 1, 2020

In Phase Two, the Circuit will operate under the identical restrictions as Phase One except:

- a. All in-person proceedings need not be determined as critical to be held.
- b. The occupancy limitation of each jury capable courtroom shall increase from 10 persons to 25% of the gallery's seating capacity which in the Circuit's five counties will be as follows: Benton - 30; Dallas - 25; Polk - 30; Webster - 20; and Hickory County will remain the same at 10 but, again, these occupancy numbers are exclusive of the number of court personnel necessary to conduct any case or docket. Further, and again as in Phase One, any judge presiding over a case or docket may increase that occupancy limitation for good cause but only on a case-by-case or docket-by-docket basis but never at the expense of the strict six feet social distancing requirement.
- c. Jury trials shall resume but only if the judge presiding over the case deems said jury trial as extraordinary, pressing and urgent.

The Court will remain in Operating Phase Two until June 15, 2020, at which time it will proceed to Phase Three. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase Two or return to Phase One or Zero.

Operating Phase Three Effective June 15, 2020

In Phase Three, the Court will operate under the identical restrictions as Phase Two except:

- a. Occupancy limitations on courtrooms and courtroom facilities will be lifted.
- b. Jury trials may be held in compliance with strict six feet social distancing requirements.

Phase Three will continue until June 26, 2020 at which time Phase Three shall conclude and this Order shall expire unless, prior thereto, Phase Three or any prior Phase in this Circuit had previously been extended by Administrative Order of the Presiding Judge.

Municipal Courts

Municipal Courts of the Circuit shall be governed by this Order except that their applicable occupancy limit throughout each Phase shall be based on the number of people who can be present in the municipal courtroom and courtroom facilities while maintaining the strict six feet social distancing requirement.

A copy of this Order shall be posted within each courthouse, delivered to the Missouri Supreme Court to be posted on the Missouri Court's Website, all clerks of each county commission and county health department directors, each newspaper of the Circuit, all sheriffs, prosecutors, district public defender, chief juvenile officer, children's division circuit manager and e mailed to the clerks, judges and prosecutors of the standalone municipalities and the practicing local bar members.

Date: May 15, 2020

Michael Hendrickson, Presiding Judge