

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
16th JUDICIAL CIRCUIT, STATE OF MISSOURI**

In Re: Rescission of Portions of Administrative Order 2021-024 in Light of Missouri Supreme Court Order dated May 28, 2021

ADMINISTRATIVE ORDER 2021-074

WHEREAS, as a result of and in response to the spread of COVID-19, various executive orders and emergency orders from all levels of government have previously been issued which closed or limited certain governmental functions and which closed certain aspects of society and communities. However, said Orders also provided that Court operations were deemed to be essential governmental services and, therefore, the Court remained open and operational during the term of said Orders, performing core judicial functions, often through remote technologies including video and telephone hearings and conferences; and

WHEREAS, the Missouri Supreme Court has issued several Orders and related Operational Directives regarding court operations which include strategies for preventing the spread of COVID-19 and directives which provide for a phased approach toward easing restrictions related to court operations and expanding court operations; and

WHEREAS, those Orders and related Operational Directives issued by the Missouri Supreme Court have included, among others, a March 26, 2021 COVID-19 Order and Operational Directives which continued and expanded upon the “operational phase” system implemented in prior orders, as well an April 6, 2021 Order entitled “Procedures for Jury Proceedings During COVID-19 Pandemic;” and

WHEREAS, the Missouri Supreme Court on May 28, 2021 entered an Order (copy attached) observing that the “the need for Missouri courts to conduct proceedings pursuant to operational phases as set forth in such orders and directives has abated.” Through that Order, the Missouri Supreme Court directed that, subject to the ongoing obligation of Chief and Presiding Judges to continue to monitor local health conditions, consult with local health officials, and otherwise implement any future policies and procedures needed to ensure the safety of those appearing or working in court facilities, compliance with the Court’s prior operational phase directives was no longer required. The Supreme Court’s May 28, 2021 Order superseded its March 26, 2021 Order and rescinded a number of other prior Orders, including the April 6, 2021 Order referred to above; and

WHEREAS, the Missouri Supreme Court directed that its May 28, 2021 Order becomes effective June 15, 2021 but may be implemented prior to that date by Chief and Presiding Judges; and

WHEREAS, the undersigned has fully considered local health conditions and the advice and directives of local government officials here in the 16th Judicial Circuit, and believes that subject to the continuing of certain policies and procedures that have been implemented for Court operations in the Circuit – including in all associate, family, juvenile, treatment, municipal,

and probate divisions – entry of this Administrative Order is appropriate and in furtherance of the Court’s obligation to protect the safety of employees, attorneys, litigants, jurors, and other members of the public who come to the Court’s facilities to conduct business; and

WHEREAS, in any event, the Court and its divisions continue to be subject to State, County, and Local government directives and will continue to require compliance with those directives until they are modified or rescinded; and

WHEREAS, pursuant to Section 478.240.2, RSMo, and Article V, Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial personnel and court officials in the Circuit as well as administrative authority over dockets of the Court and the administrative and discretionary authority regarding the manner in which any hearings are conducted in the Court.

IT IS HEREBY ORDERED, effective immediately, as follows:

1. Subject to the Court’s continued following of the guidance provided by the Missouri Supreme Court in its May 28, 2021 Order, attached, and except as is otherwise indicated below, Administrative Order 2021-024 is hereby rescinded.
2. The Court Administrator has previously established procedures for pro se litigants to deliver and/or file pleadings and other documents with the Court via fax filing, email filing, and by creating drop boxes at designated entries to Court Buildings. Those procedures are posted on Court Building doors, posted on the Court’s website at www.16thcircuit.org and posted on the Court’s Facebook page. Those procedures shall remain in place as alternatives to pro se litigants filing said documents personally at the courthouses. Municipal Courts should develop similar procedures for pro se litigants.
3. All Municipal Courts in Jackson County, Missouri are subject to this Administrative Order and are encouraged to take appropriate action consistent with this Administrative Order, the attached May 28, 2021 Order, and Centers for Disease Control and Prevention guidelines. Many Municipal Courts in Jackson County, Missouri operate in facilities that are not specifically dedicated to court operations, but rather are shared with different government offices and facilities, many of which operate under different and occasionally more restrictive guidelines and protocols. Therefore, Municipal Courts shall have the discretion to determine the level of court operations they can attain under the unique circumstances facing them.
4. The provision of Circuit Court Local Rule 68.3.1 which requires that each party be represented by separate counsel, shall continue to remain suspended. Therefore, assuming all other requirements of Local Rule 68 are complied with, proposed Judgments may be submitted by Affidavit and entered by the Court when only one party is represented by counsel instead of the requirement that both parties be represented by counsel. All other terms of Local Rule 68 remain in effect.
5. All Court staff and all members of the public who appear at any Court Building or Municipal Court for hearings and/or to conduct any court-related business, shall comply with all

screening requirements and/or other requirements to mitigate against the spread of COVID-19 which are imposed by any State, County, or Local authority.

6. This Administrative Order rescinds only Administrative Order 2021-024 as set forth herein. Other Administrative Orders that address specific procedures and protocols designed to mitigate against the ongoing spread of COVID-19 shall remain in effect according to their terms unless and until they are modified, expire, or are rescinded by separate order.

IT IS SO ORDERED.

June 7, 2021

Date



J. Dale Youngs, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on June 7, 2021:

Missouri Supreme Court
16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Captain Dale Covey, Jackson County Sheriff's Department
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Jackson County Prosecutor
Ruth Petsch, District Defender, Office of the Public Defender
All Municipal Courts
Bar Associations located within the 16th Judicial Circuit



SUPREME COURT OF MISSOURI

en banc

May 28, 2021
Effective June 15, 2021

In re: Revised COVID-19 Directives

ORDER

Since May 2020, Missouri courts have been operating pursuant to phases set forth by this Court's order and operational directives to best ensure the safety of judicial employees and the public. Given the decrease in the national and local levels of COVID-19 cases and the effectiveness and availability of approved COVID-19 vaccines, the need for Missouri courts to conduct proceedings pursuant to operational phases as set forth in such orders and directives has abated.

Accordingly, pursuant to this Court's constitutional authority to supervise the administration of the state judicial system, all appellate and circuit courts – including all associate, family, juvenile, treatment, municipal, and probate divisions – are no longer required to conduct court proceedings and courthouse activities pursuant to the previously prescribed operational phases. Chief and presiding judges shall continue to:

(1) monitor local health conditions; (2) consult with local health officials or departments

regarding what, if any, precautionary measures are necessary in the community in which the courthouse or court facility is located; and (3) monitor the Centers for Disease Control and Prevention (CDC) COVID-19 guidelines and implement any new or amended guidelines as necessary to ensure the safety of those appearing or working in court facilities.

Based on local health conditions and the recommended CDC guidelines, chief and presiding judges may exercise their discretion in determining whether precautionary measures should be utilized to ensure the health and safety of those in the courtroom or court facility. When conducting jury proceedings, courts and judges may continue to follow or implement any procedures set forth in this Court's prior guidelines for jury proceedings, *see* April 6, 2021, order, "Procedures for Jury Proceedings During COVID-19 Pandemic" (now rescinded), that the court or judge finds necessary or useful for efficiently and safely carrying out such proceedings.

When possible, judges should consider continuing to allow vulnerable litigants, witnesses, victims, attorneys, and participants to appear or participate remotely or continue or postpone their required presence at the court facility. Courts and judges continue to be encouraged, when appropriate, to utilize all available technologies – including teleconferencing and video conferencing.

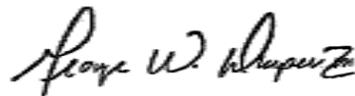
Regardless of an individual employee's vaccination status, judicial employees should return to work duties unless otherwise instructed by a supervisor. Supervisors should encourage employees to receive an approved COVID-19 vaccine. Supervisors should make reasonable accommodations in the workplace for employees who remain

more vulnerable to COVID-19. Courts should follow the CDC guidelines in determining whether an employee is required to quarantine following an exposure to someone who has COVID-19 or is suspected of having COVID-19. Judicial employees may resume travel for work-related functions, and court committees and commissions may resume in-person meetings.

This order supersedes the March 26, 2021, COVID-19 order and operational directives and rescinds the following orders: (1) May 13, 2020, order, “Restrictions on Conducting In-Person Disciplinary Hearing Panel Proceedings During the Coronavirus Disease (COVID-19) Pandemic”; (2) May 20, 2020, order, “Extension of Court Reporter Temporary Certificates During the COVID-19 Pandemic”; and (3) April 6, 2021, order, “Procedures for Jury Proceedings During COVID-19 Pandemic.”

This order becomes effective and must be followed on and after June 15, 2021, but chief and presiding judges may implement prior to that date.

Day – to – Day



GEORGE W. DRAPER III
Chief Justice