

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

In Re: Updated Court Operations - Phase 1 under Supreme Court Operational Directives (effective July 27, 2020)

ADMINISTRATIVE ORDER 2020-135

WHEREAS, during the emergence of COVID-19 and its spread into a global pandemic, it has been and continues to be imperative and of great importance to the 16th Judicial Circuit (“Court”) that all appropriate steps be taken to protect the health and safety of all Court employees, all judicial officers, all attorneys, all litigants, all victims, all witnesses, all prospective jurors, all members of the general public and any other individuals or entities who have cases and hearings pending in the Court and/or have business with the Court; and

WHEREAS, while giving full consideration to the concerns stated above, the Court has also consistently considered the performance of its constitutional duties as the judicial branch of government, considering and balancing the rights of all parties and litigants to have their cases, hearings, disputes and matters heard and adjudicated; and

WHEREAS, as a result of and in response to the spread of COVID-19, the State of Missouri, Jackson County and various Mayors of cities in Jackson County, issued stay at home Orders and other emergency Orders 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 previously entered stay at home Orders and emergency Orders have been lifted or terminated and/or have been replaced with Orders allowing for the phased and gradual re-opening of society, businesses, communities and the courthouses in which the Court operates, while also including continued restrictions to minimize the potential spread of COVID-19; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, social distancing guidelines remain in effect, which guidelines recommend, suggest or require a minimum separation distance of 6 feet between people as a way to minimize the spread of the COVID-19 virus; and

WHEREAS, notwithstanding the ending of various stay at home Orders and the phased re-opening of society, businesses and government, limitations on the size of groups that may gather at any one time and in any one location remain in effect, although the size of allowed gatherings continues to grow and expand; and

WHEREAS, the Missouri Supreme Court has issued several Orders regarding court operations, the most recent of which includes Operational Directives related not only to considering strategies to prevent the spread of COVID-19, but also directives which provide for a phased approach toward easing or tightening restrictions related to court operations depending on enumerated factors within the Courts and within the community; and

WHEREAS, notwithstanding the Court commencing a slow, deliberate plan moving toward more complete court operations pursuant to Missouri Supreme Court Orders, the Court's operations will continue to be significantly modified; and

WHEREAS, circumstances regarding COVID-19 have changed since the Court's issuance of prior Administrative Orders related to court operations; and

WHEREAS, the Missouri Supreme Court has continued to authorize the Presiding Judge of each Circuit to facilitate local solutions regarding the continuation and/or restoration of court operations, while also considering and maintaining a certain degree of uniformity; and

WHEREAS, the Missouri Supreme Court has continued to encourage judges to utilize all available technologies - including teleconferencing and video conferencing - to limit in person courtroom appearances to the extent not prohibited by the constitution or statutes as to the proceedings; and

WHEREAS, the Missouri Supreme Court's Operational Directives describe criteria to be evaluated and considered regarding the continued operation of the Court as well as the progression or regression to different Phases set forth in the Operating Directives; and

WHEREAS, the Court operates in numerous buildings and courthouses, including the Kansas City Courthouse, the Eastern Jackson County Courthouse, the Family Justice Center, the Albert Riederer Community Justice Complex and the Community Justice Building (herein collectively referred to as the "Court Buildings"); and

WHEREAS, pursuant to Section 478.240.2 R.S.Mo. and 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 and continuing until rescinded, amended, modified or extended in a subsequent Administrative Order, as follows:

1. Administrative Order 2020-108 dated June 22, 2020, which sets forth updated court operations, shall remain in effect except for revisions set forth below in this Administrative Order.

2. Effective July 27, 2020, the Court will operate under Phase 1 of the Missouri Supreme Court's Operational Directives.

3. Large venues and common areas such as break rooms in the Court Buildings shall be closed. Occupancy rates in courtrooms, jury assembly rooms and other areas in Court Buildings shall be kept at an occupancy rate of 10 or less whenever possible and operate under strict social distancing protocols. 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.

4. Face masks or coverings shall be required except when an individual is alone in a private office.

IT IS FURTHER ORDERED that to the extent the directives and declarations set forth in this Administrative Order differ with the Court's prior Administrative Orders, this Administrative Order controls.

THIS ORDER MAY BE AMENDED, RESCINDED, MODIFIED OR EXTENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

July 24, 2020
Date



David M. Byrn, Presiding Judge

Certificate of Service

This is to certify that a copy of the foregoing was emailed to the following on July 24, 2020.

16th Circuit Court Judiciary and Staff
Frank White, County Executive
Troy Schulte, County Administrator
Darryl Forte, Sheriff
Mary A. Marquez, Court Administrator
Jean Peters-Baker, Prosecutor
Ruth Petsch, District Defender

Michelle Ryan

**16TH JUDICIAL CIRCUIT
STATE OF MISSOURI**

Notice to the Supreme Court of Missouri of Higher/Lower Operating Phase

I, David M. Byrn, Presiding Judge of the 16th Judicial Circuit Court, hereby notify the Supreme Court of Missouri that effective July 27th, 2020, the 16th Circuit will be operating under the terms of Phase 1 of the Supreme Court's Operational Directives, including the utilization of local solutions applicable to local conditions as set forth in this Court's Administrative Order 2020-____, effective July 27, 2020.

Mark all that apply:

Entire Judicial Circuit; or

Jackson County; and/or

Municipal Division(s) of _____ within the Circuit.

Dated: July 24², 2020



(Presiding Judge)