

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT OF MISSOURI
EN BANC**

**IN RE: COVID-19 ORDER 3
COURT OPERATIONS DURING COVID-19 STAY AT HOME ORDER
AND LIMITED PUBLIC ACCESS STATUS
07-20**

ORDER

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and it has been declared a national and state wide state of emergency; and

WHEREAS, the Columbia/Boone County Public Health and Human Services Department announced a Stay-At-Home Order (Boone County Order No. 2020-03C) for all residents and businesses in Boone County, Missouri that will go in effect at 8:00 a.m. on Wednesday, March 25, 2020 and remain in effect until 8:00 a.m. April 24, 2020, and that during this time all non-essential businesses will be closed and all non-essential personnel will be asked to work from home; and

WHEREAS, the Callaway County Commission issued a limited public access status for its courthouse on March 19, 2020, until further notice; and

WHEREAS, the continuing operation of the 13th Judicial Circuit Court (“Court”) is deemed to be an essential governmental service and therefore, the Court will remain open and operational during the term of the Stay-At-Home Order; and

WHEREAS, notwithstanding the fact that the Court will remain open, it is imperative that the Court take steps to protect the health and safety of all employees of the Court, all judicial officers, all attorneys, all litigants, all victims, all witnesses and any other individuals or entities who have cases and hearings pending in Court, while also balancing the rights of all said individuals to have their matters heard; and

WHEREAS, notwithstanding the fact that the Court will remain open, the Court’s operations are and will be significantly modified during the term of the Stay-At-Home Order; and

WHEREAS, the Missouri Supreme Court entered an Order dated March 16, 2020 together with other Orders regarding on-going court operations and has instructed courts in this state to “prepare for potential infection in their community”; and

WHEREAS, the Missouri Supreme Court suspended all in-person proceedings with certain identified exceptions and the Missouri Supreme Court authorized the Presiding Judge of each Circuit to determine the manner in which hearings are to be conducted, including the discretion to excuse individuals from appearing; and

WHEREAS, circumstances regarding COVID-19 have changed dramatically since the March 16, 2020, Order of the Missouri Supreme Court, necessitating the Missouri Supreme Court's entry of a new Order dated March 22, 2020. The changes include but are not limited to those circumstances set forth in the Court's Order, the regarding the spread of COVID-19 and the issuance of the Stay-In-Place Order in Boone County; and

WHEREAS, the 13th Judicial Circuit Court operates in the following buildings:

- (1) Boone County Courthouse, 705 E. Walnut St., Columbia, MO 65201;
- (2) Callaway County Courthouse, 10 E. 5th St., Fulton, MO 65251;
- (3) Treatment Court Building, 607 East Ash St., Columbia, MO 65201;
- (4) Callaway Juvenile Office, 2800 Cardinal Drive, Fulton, MO 65251;
- (5) Juvenile Justice Building, 5665 N. Roger I Wilson Memorial Drive, Columbia, MO 65202.

These five buildings are hereby collectively referred to as the "Court Buildings"; and

WHEREAS, the Court desires to employ additional necessary and reasonable measures to protect the general public, litigants, lawyers, employees and all other individuals from the spread of COVID-19; and

WHEREAS, the Presiding Judge of the Court has the 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 at 8:00 a.m. on Wednesday, March 25, 2020, and continuing through 8:00 a.m. on Friday, April 24, 2020, unless modified or extended in a subsequent administrative order, as follows:

1. The Court shall remain open and operational. However, except for those matters specifically identified in paragraph 2 below and subject to the terms set forth in paragraph 2, there shall be no in-person proceedings, hearings or conferences held in Court Buildings. All proceedings, hearings and conferences shall be conducted by telephone, videoconferencing, or any other method that does not require the physical presence of persons in Court Buildings.
2. Notwithstanding the prohibition on in-person proceedings, hearings or conferences as set forth above in paragraph 1, in-person proceedings *may* be held in the following matters, subject to the requirements set forth below, *provided however*, that said in-person proceedings, hearings or conferences shall be held in limited and extreme circumstances only and based on a determination that alternative methods for conducting said hearings cannot occur;
 - (a) Initial Appearance hearings;
 - (b) Mandatory bond review hearings;

- (c) Any other in custody criminal cases that can be conducted by video;
- (d) Petitions for temporary restraining orders or other forms of emergency temporary injunctive relief;
- (e) Emergency mental health hearings;
- (f) Emergency guardianship or conservatorship hearings;
- (g) Abuse/neglect protective custody hearings;
- (h) Emergency child custody hearings;
- (i) Detention hearings pursuant to Chapter 211;
- (j) Any emergency hearings directly related to the COVID-19 public health emergency;
- (k) Any additional case authorized to be heard by the Presiding Judge.

Although in-person hearings or conferences *may* be conducted for the above listed proceedings, it is strongly encouraged and recommended that, to the maximum extent possible, the above listed proceedings, hearings or conferences be conducted by telephone, videoconferencing, or any other method that does not require the physical presence of persons in Court Buildings.

In the event the Judicial Officer presiding over any proceedings described above determines: (a) that there is no reasonable alternative to an in-person hearing or conference and therefore an in-person hearing or conference is required; and (b) that the physical appearance of attorneys, parties, witnesses, interested third parties, guardians ad litem, children's division workers, law enforcement officers or any other individual(s) is/are required and whose appearance cannot be satisfied by telephone or videoconference, then the in-person hearing or conference shall proceed.

In the event an in-person hearing or conference is to occur, the Court shall coordinate with the Court Marshal staff for notifying individuals where the hearing or conference will occur, that an in-person hearing shall occur and shall provide Court Marshals with the names of any such designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Buildings for the designated in-person hearing. If the Court Marshals are not notified of the persons who are to appear in person for any such hearing, any person attempting to enter a Court Building for such hearing will be denied entry to the Court Building.

3. Entry to Court Buildings shall be limited to the following persons:

- (a) Judicial Officers and employees who work in those buildings as directed by their supervisors;
- (b) Those individuals specifically identified by a Judicial Officer as necessary for an in-person hearing as required and set forth in paragraph 2 above.
- (c) Independent contractors, delivery persons and vendors who have permission to enter Court Buildings from either the Presiding Judge of the Court or the Court Administrator and whose entry into Court Buildings is necessary for continuous operation of the Court. This Administrative Order is not intended to

limit access to Court Buildings as determined to be necessary or appropriate by the County Commissioners.

Anyone attempting to enter Court Buildings in violation of these protocols will be denied entry by Court Marshal or other security personnel. Individuals not authorized to enter the Court Buildings because of the restrictions listed above are provided the following contact information to have remote access to the administration of justice:

- (a) If you are represented by an attorney, please contact your attorney;
- (b) If you are an attorney scheduled to appear in Court before a Circuit or Associate Circuit Judge or a Commissioner, please contact the clerk's office
Boone: 573-886-4000
Callaway: 573-642-0780
- (c) If you need information about the status of your case, please consult Case.net or contact the appropriate Circuit Clerk's Office:
Boone: 573-886-4000
Callaway: 573-642-0780
- (d) If you are a prospective Juror, please contact the Jury Supervisor's Office:
Boone: 573-886-4076
Callaway: 573-826-3867
- (e) If you are seeking an Order of Protection regarding adult/child abuse please contact the clerk's Office:
Boone: 573-886-4000
Callaway: 573-642-0780
- (f) To contact the Prosecuting Attorney matters, please contact that office:
Boone: 573-886-4100
Callaway: 573-642-0777
- (g) For Boone County Public Administrator, please contact that office at 573-886-1490;

4. The Court Administrator and Circuit Clerks are ordered to establish procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the Court, including but not limited to Petitions for Orders of Protection. This may include receiving faxed documents, placing a public access computer terminal at an entrance to the courthouse so further entry is not necessary, creating drop boxes at designated entries to Court Buildings or other methods for pro se litigants to have continuous access to the Court. As soon as those procedures are finalized they will be posted on Court Building doors, posted on the Court's website at <https://www.courts.mo.gov/hosted/circuit13/>.

5. The Jury Supervisor is Ordered and authorized to suspend the impaneling of all jurors for the weeks of March 30, 2020 through April 20, 2020. All jury trials scheduled for those weeks are hereby continued and will be rescheduled to a later date.

6. In all criminal cases where the defendant is in detention in Boone or Callaway counties' jails, or otherwise in custody at any other detention center or at any other prison, said defendants shall not be personally transported to or brought into court for any hearing. All hearings regarding any such defendants shall be conducted via videoconferencing, including initial appearance and arraignment hearings.

7. Circuit Clerks shall be responsible for notifying all parties and counsel if the cases/dockets are being postponed/continued or if the cases/dockets are not being postponed/continued, of the manner in which hearings will be held.

NOTICE IS HEREBY GIVEN THAT ALL HEARINGS AND CONFERENCES THAT ARE NOT EXPRESSLY LISTED ABOVE ARE CONTINUED UNTIL FURTHER NOTICE OR ORDER OF THE COURT, UNLESS THE JUDICIAL OFFICER ASSIGNED TO A PARTICULAR CASE SPECIFICALLY NOTIFIES ATTORNEYS AND PARTIES THAT THE HEARING OR CONFERENCE WILL PROCEED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ADMINISTRATIVE ORDER.

8. As demonstrated in prior Administrative Orders of this Court, the Stay-In- Place Order in Boone County, the limited access status in Callaway County, and this Administrative Order, all hearings on full orders of protection that are scheduled or would have been scheduled for the weeks of March 23, 2020, through April 20, 2020, will be continued for 30 days from the date of the currently scheduled hearing or the hearing that would have been scheduled during that time. All Ex Parte Orders of Protection currently in existence and all Ex Parte Orders of Protection that are entered through April 17, 2020, will be extended by operation of this Administrative Order until the new hearing date.

9. The Court Administrator/Deputy Court Administrator is authorized to suspend programming operated by the Family Court Services consistent with this and other prior Administrative Orders and Centers for Disease Control and Prevention Guidelines.

10. All nonessential court related travel for staff and judicial officers is canceled through April 30, 2020.

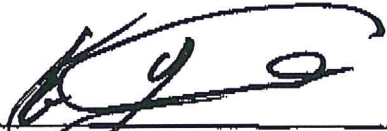
11. All municipal courts in the 13th Circuit are subject to this Administrative Order and are encouraged to take appropriate action consistent with this Administrative Order and Centers for Disease Control and Prevention guidelines.

12. 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 AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

Done this 24th day of March, 2020.



Kevin Crane
Presiding Judge