

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

**IN RE: COVID-19 ORDER 5
COURT OPERATIONS DURING COVID-19 STAY AT HOME ORDER
AND LIMITED PUBLIC ACCESS STATUS THROUGH MAY 15
09-20**

ORDER

IT IS HEREBY ORDERED, Administrative Orders 02-20, 03-20, 05-20, 06-20, 07-20, AND 08-20 are herein incorporated and amended as follows effective at 8:00 a.m. on Thursday, April 23, 2020, and continuing through 5:00 p.m. on Friday, May 15, 2020, unless modified or extended in a subsequent administrative 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 went into 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 Governor of the State of Missouri announced a Stay-At-Home Order for all Missouri residents effective April 6th through April 24, 2020; and was extended on April 16th to go through May 3, 2020; and

WHEREAS, 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 updated 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 Orders dated March 22, 2020; April 1, 2020; and April 17, 2020; the last of which extends its order through May 15, 2020; and

WHEREAS, the 13th Circuit has continued to monitor best practices and adjustments made by other entities in Boone and Callaway counties, and the State of Missouri, and wants to plan for the best case scenario, balancing the interest of justice and the health and safety of staff, parties, jurors, law enforcement, attorneys, and the public.

IT IS HEREBY ORDERED, effective April 23, 2020, through 5:00 p.m. on Friday, May 15, 2020, unless modified or extended in a subsequent administrative order:

**MODIFICATION OF COURT OPERATIONS AND
LIMITED ACCESS TO COURTHOUSE BUILDINGS**

1. The 13th Judicial Circuit Court operates in the following buildings:
 - (a) Boone County Courthouse, 705 E. Walnut St., Columbia, MO 65201;
 - (b) Callaway County Courthouse, 10 E. 5th St., Fulton, MO 65251;
 - (c) Treatment Court Building, 607 East Ash St., Columbia, MO 65201;
 - (d) Callaway Juvenile Office, 2800 Cardinal Drive, Fulton, MO 65251;
 - (e) 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.”

2. The Court shall remain open and operational. However, except for those matters specifically identified in paragraph 3, below, and subject to the terms set forth in paragraph 3, 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.

3. Notwithstanding the prohibition on in-person proceedings, hearings or conferences as set forth above in paragraph 2, 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) Proceedings pursuant to chapter 455 pertaining to orders of protection;
- (h) Abuse/neglect protective custody hearings;
- (i) Emergency child custody hearings;
- (j) Detention hearings pursuant to Chapter 211;
- (k) Any emergency hearings directly related to the COVID-19 public health emergency;
- (l) Any additional case authorized to be heard by a judge or commissioner.

Although in-person hearings or conferences may be conducted for the above listed proceedings, to the 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.

4. Entry to Court Buildings shall be limited to the following persons through May 11, 2020:

- (a) Judicial Officers and employees who work in those buildings as directed by their supervisors;

- (b) Individuals specifically identified by a Judicial Officer as necessary for an in-person hearing as required and set forth in paragraph 2 above; and
- (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: 573-886-4025
 - 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: 573-886-4025
 - 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: 573-886-4009
 - Callaway: 573-642-0780
- (f) To contact the Prosecuting Attorney matters, please contact that office:
 - Boone: 573-886-4100
 - Callaway: 573-642-0714
- (g) For Boone County Public Administrator, please contact that office at 573-886-1490;

5. 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.

6. The Jury Supervisor is ordered and authorized to continue suspending the impaneling of all jurors from April 23, 2020, up to and including May 15, 2020. All jury trials scheduled for those weeks are hereby continued and will be rescheduled to a later date. Jury trials may resume at the discretion of each division, starting the week of May 18, 2020.

7. 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. Judicial Officers have the discretion to allow attorneys to continue hearings as appropriate and consistent with this Administrative Order. Victims have the statutory right to participate in hearings – that right is not changed by this Administrative Order.

8. Circuit Clerks shall be responsible for notifying all parties and counsel if the cases are being postponed or continued or, if the manner in which cases/dockets will be held has changed.

9. All hearings on full orders of protection that are scheduled through May 15, 2020, will be heard as set.

10. 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.

11. All nonessential court related travel for staff and judicial officers is canceled through May 15, 2020.

12. 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.

13. 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.

SUMMONS, WRITS, EVICTIONS AND SERVICE OF PROCESS

1. Service of process shall not be prepared by the Circuit Clerk nor served by the Sheriff of Boone County or Callaway County on all civil matters not falling within the cases excepted herein is hereby suspended until further notice, except for good cause shown, until May 1, 2020.

2. Service of process by the Sheriff of Boone County or Callaway County on all subpoenas in criminal cases is hereby suspended until May 1, 2020, except for good cause shown.

3. All extraditions by this Circuit are at the discretion of the Sheriff until May 1, 2020, unless otherwise ordered by the Presiding Judge or his designee.

4. Execution of warrants for failure to appear issued by a judge of this court shall be at the discretion of the Chief Law Enforcement Officer of each law enforcement agency performing law enforcement services in the county through May 1, 2020.

5. The Circuit Clerk is hereby directed to delay issuing writs of restitution, attachment, execution and replevin up through and including June 1, 2020. All evictions are suspended by operation of this Administrative Order up through and including June 1, 2020.

6. Nothing in this order shall be interpreted to supplant or negate the procedures set forth in sections 221.040 or 221.130, RSMo.

7. The Circuit Clerk shall mail all requests for summons in misdemeanor and traffic cases to the address of record of the Defendant, instead of being given to the Sheriff for personal service.

GARNISHMENTS

IT IS HEREBY ORDERED that any garnishment issued to a bank on or after March 23 is not to be issued until June 1, except those for child support and restitution.

BENCH WARRANTS AND CAPIAS WARRANT

IT IS HEREBY ORDERED that in the event any Law Enforcement Officer in the 13th Judicial Circuit determines that the arrest of a Defendant on a 13th Judicial Circuit Bench Warrant or Capias warrant will endanger the health of the Arresting Officer by infection with a pandemic disease, the Officer may, in her/his own discretion, not execute the warrant at that time.

13TH CIRCUIT PERSONNEL

WHEREAS, pursuant to Supreme Court Operating Rule 7 the Circuit Court Budget Committee has authorized Presiding Judges to authorize administrative leave for staff who are directed or allowed to be away from the office for reasons related to the COVID-19. The Presiding Judge may authorize such administrative leave by local administrative order to meet the essential needs of the court, their staff, and the public.

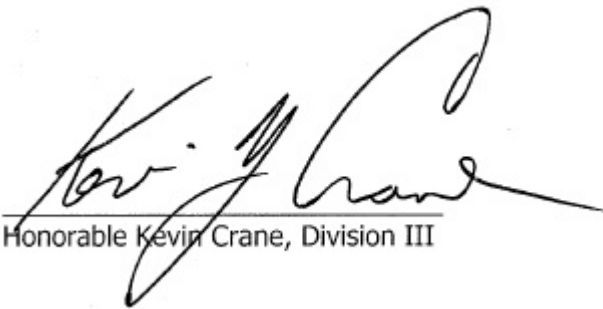
IT IS ORDERED that supervisors or appointing authorities shall reduce staff in the courthouse by directing their staff what hours are to be worked in the office and to be out of the office, and whether and how many hours of work shall be done from home through May 10, 2020. For hours not worked: state employees are directed to use administrative leave; Boone and Callaway county-paid employees are directed to take other leave; and employees shall not be required to charge the leave against the employee's accrued annual leave, sick leave, accrued compensatory time, or leave without pay for the time they are directed by a supervisor to be away from work and not working at home.

IT IS FURTHER ORDERED the Court will grant employees leave as appropriate through the Families First Coronavirus Response Act (FFCRA).

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

Done this 23rd day of April, 2020.



Honorable Kevin Crane, Division III