

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

**IN RE: COVID-19 ORDER 6
COURT OPERATIONS DURING COVID-19
10-20**

ORDER

IT IS HEREBY ORDERED, Administrative Order 09-20 is superseded by Order 10-20. Effective at 5:00 p.m. on Friday, May 15, 2020, and continuing until 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 Re-Opening Plan (Boone County Order No. 2020-05C) for all residents and businesses in Boone County, Missouri that went into effect at 12:00 a.m. on May 4, 2020 and remain in effect until further notice; 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 issued Executive Order 20-10 extending Orders 20-04, 20-05, and 20-08 through June 15, 2020; but allowing Orders 20-06, to expire May 15, 2020; thereby still requiring social distancing requirements but opening state offices to the public as soon as practicable, and

WHEREAS, on May 4, 2020, the Supreme Court of Missouri issued its Operational Directives for Easing COVID-19 Restrictions on In-Person Proceedings Order, effective May 16, 2020, and Operational Directives to Courts of this state to follow before resuming court activities and have been previously suspended by the Court's prior orders; and

WHEREAS, it is imperative that the Court continue to take steps to protect the health and safety of all persons in the courthouse and continue to employ best practices recommended by the Centers for Disease Control and local health departments, while balancing the rights of all individuals; and

WHEREAS, the 13th Circuit issued Administrative Order 09-20, effective April 23, 2020, through 5:00 p.m. on Friday, May 15, 2020, followed the now named "Phase 1" of the Supreme Court's directives; and

WHEREAS, the 13th Circuit has reviewed the Supreme Court's Gateway Criteria (attached) and were in Phase 1 for more than 14 days;

IT IS HEREBY ORDERED, effective 5 p.m. on Friday, May 15, 2020, until and unless modified or extended in a subsequent administrative order, the 13th Circuit shall operate in Supreme Court Operational Directive Phase 2.

OPERATING PHASE 2

Pursuant to the Supreme Court directives, while operating under Phase 2, the Court will:

1. Continue to consult with local judiciary partners and rely on local health officials or departments and CDC guidance to adapt court operating decisions to local health conditions.
2. Increase in-person court proceedings, including the most extraordinary, pressing, and urgent grand and petit jury proceedings, while abiding by social distancing protocols and occupancy rate limitations applicable to the local health orders.
3. Keep occupancy rates in large venues and common areas such as courtrooms, jury assembly rooms, jury deliberating rooms, break rooms, and other areas in court facilities to an occupancy rate of 25 or less whenever possible and operate under social distancing protocols.
4. Provide masks to the public. Provide tape and other visible means be used to demark six-foot distances where practical. Continue to allow vulnerable litigants, witnesses, victims, attorneys, and other individuals involved in court proceedings to participate in the proceedings remotely or postpone their required presence at the court facility.
5. Continue to encourage judges and court staff to utilize all available technologies – including teleconferencing and video conferencing – whenever possible to limit in-person courtroom appearances to the extent practicable and not prohibited by constitutional or statutory provisions.
6. Continue to suspend any non-essential travel by judicial employees for work related functions.
7. Persons who appear to be ill may be asked to leave the courthouse and will be given a subsequent date to appear. There is signage on court buildings directing the public not to enter if the person has been exposed to someone suspected or confirmed to have Covid-19, or have a fever, cough or difficulty breathing.
8. Continue increased cleaning and disinfection of common areas and provide hand sanitizers throughout the courthouse and offices, and reminders about the importance of covering coughs and sneezes, and washing hands.

9. Judicial employees, when in the court facility, will continue to maximize physical distance from others. Six foot distancing should continue to be observed in all offices, meetings, and court proceedings; and staff will be required to wear masks when they cannot be 6 feet away or behind a barrier, such as a glass window, when working with the public.
10. The Jury Supervisor is authorized to impanel jurors beginning the week of May 18, 2020, but jury trials will resume at the discretion of each division.
11. 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 except in exceptional circumstances and as requested by the attorneys and ordered by the judge presiding over the case.
12. Circuit Clerks shall be responsible for sending out appropriate notices if the cases are being postponed or continued or, if the manner in which cases/dockets will be held has changed.
13. 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.
14. 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

IT IS HEREBY ORDERED 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.

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 WARRANTS

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.

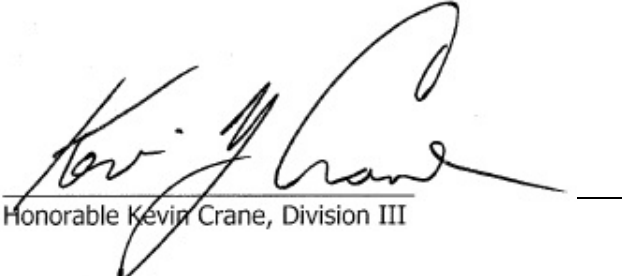
FAMILY COURT

IT IS FURTHER ORDERED that in Family Court Cases, parties may waive hearing requirements by joint affidavit, even when one party is pro se.

THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

Done this 13th day of May, 2020.



Honorable Kevin Crane, Division III

Supreme Court Gateway Criteria

Consider each of the criteria below before resuming court activity or progressing to a new Operating Phase:

1. No confirmed COVID-19 cases in the court facility within a 14-day period.
2. Rescission or lack of stay-at-home orders or the relaxing of group gathering restrictions applicable to the community.
3. Improving COVID-19 health conditions over a 14-day period in the community, including conditions such as the number of confirmed COVID-19 cases and related deaths in relation to a community's population density, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.
4. Consultation with local health officials or departments concerning changes to levels of court and courthouse activities.
5. Consultation with local judiciary partners such as children's division personnel, juvenile officers, members of the local bar, prosecutors and public defenders, law enforcement and probation and parole.

If these Criteria suggest local conditions are improving sufficiently, a presiding judge or chief judge may consider moving to a higher Operating Phase and gradually resuming and adapting previously suspended court activities.

If these Gateway Criteria suggest local conditions are worsening or that there is a resurgence of COVID-19 cases in the community, a presiding judge or chief judge should move to a lower Operating Phase including, when necessary and appropriate, returning to Operating Phase Zero.