

IN THE SECOND JUDICIAL CIRCUIT OF MISSOURI

ADMINISTRATIVE ORDER MODIFYING COVID-19 COURT OPERATIONS IN THE SECOND CIRCUIT TO PHASE TWO March 24, 2021

In accordance with Missouri Supreme Court's Administrative Orders suspending most in-person court proceedings due to the public health risk arising from the COVID-19 pandemic, and the Supreme Court's directives regarding a progressive phase-up approach for re-establishing in-person court proceedings, with requirements and guidelines for the implementation of each phase; including the consideration of the gateway criteria promulgated by the Supreme Court, the undersigned Presiding Judge has determined that it is desirable and appropriate that the courts and court facilities in the Second Judicial Circuit move to **Operating Phase Two, effective April 1, 2021**;

NOW, THEREFORE, EFFECTIVE APRIL 1, 2021, AND CONTINUING UNTIL FURTHER ADMINISTRATIVE ORDER, IT IS HEREBY ORDERED AS FOLLOWS:

The courts and court offices and facilities in the Second Judicial Circuit shall move to Operating Phase Two, with the following policies, procedures, and protocols to protect litigants, witnesses, victims, judicial employees, attorneys, and other individuals involved in judicial proceedings or operations:

1. Supervisors of judicial personnel shall ensure that employees feeling ill stay at home;
2. Appointing authorities and supervisors of judicial personnel shall liberally permit judicial employees to work from home when appropriate; and
3. All judicial personnel shall be prepared for the potential resurgence of COVID-19 cases following the resumption of court activities.
4. A notice shall be posted at the entrance to all Court Premises prohibiting access to the premises for individuals who have been exposed to or are exhibiting symptoms of COVID-19, listing necessary contact information for individuals not authorized to enter the premises, and advising those entering a court facility of the social distancing, occupancy rate and other precautionary restrictions taken to protect the health, safety, and welfare of occupants.
5. Increased in-person court proceedings can begin where they can be safely conducted in compliance with social distancing protocols and occupancy rate limitations applicable to the local community. Attorneys and parties who want to have matters heard or taken up must obtain approval of the judge with jurisdiction to have the matters placed on the court's docket.
6. Judges, court personnel, and attorneys are encouraged to utilize all available technologies, including teleconferencing and video conferencing, whenever possible, to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.
7. In all criminal cases where the defendant is in custody at any detention facility or prison,

said defendants shall not be personally transported to or brought to the courtroom for any hearings unless specifically authorized and approved by the judge with jurisdiction. Unless otherwise authorized and approved by the judge, all hearings involving any such defendants shall be conducted via video conferencing, including initial appearances and arraignment hearings.

8. No jury trials shall be held.

9. For in-person proceedings, the following policies and protocols shall be followed:

a. The Bailiff shall implement appropriate levels of screening at the entrances to court facilities and premises to limit or prevent individuals experiencing symptoms related to COVID-19 from entering court facilities and premises. Such screening may include temperature checks and screening questions.

b. Hand sanitizers will be provided outside each courtroom and individuals entering courtrooms will be urged to utilize such sanitizers. Heightened sanitation and disinfection of common and high-traffic areas will be implemented, as practical.

c. Face masks or coverings will be required for all court personnel, attorneys, and other individuals who enter court premises or facilities, and will be provided to those individuals who do not have them. The judge has the authority, in his or her discretion, after considering the need and desirability for the optimum protection of all persons from the risk of infection of COVID-19, to allow those persons actively involved in a court proceeding, including attorneys, parties, witnesses, court reporters, and court clerks, to dispense with face coverings while they are actively participating in a court proceeding if necessary to facilitate effective communication or for other good cause.

d. Social distancing of at least six (6) feet from all other individuals shall be required of attorneys, parties, witnesses, and court personnel on Court premises unless wholly impractical, in the judge's discretion. Seating in courtrooms or lobby or common areas will be appropriately limited to ensure a minimum of six (6) feet of social distancing. Tape or other visible means should be used to demark six (6) foot distances where practical.

e. A limit of twenty-five (25) persons, including court personnel and attorneys, will be permitted in the courtroom or other individual room, lobby, or common area within court premises and facilities, provided, however, that the maximum capacity in any court room, individual room, lobby, or common areas shall be limited to the maximum number of persons who can be accommodated therein while observing required social distancing. Judges should consider spacing out or staggering bulk dockets to limit the number of persons who are scheduled to be in court at the same time. The Bailiff shall arrange and manage in-person court appearances for each court docket or proceeding in coordination with the judge and attorneys involved in court proceedings.

f. In addition to court personnel, only attorneys, parties, witnesses, and victims who are involved in specific matters on the court's docket will be permitted in the court

room. The judge has discretion to allow other persons to attend court, as necessary or appropriate, and consistent with the foregoing limitations.

g. Parties who have matters on the docket which do not require their appearance or participation should not be required to appear in person.

h. The Bailiff shall enforce compliance with the foregoing policies, procedures, and protocols.

10. Court related offices, including circuit clerks' offices and juvenile offices, shall be open and accessible to the public to transact court business during traditional business hours.

11. Judicial employees, when in court premises and facilities, should continue to maximize physical distance from others. Six foot (6') distancing should continue to be observed in all offices, meetings, and court proceedings.

12. Appointing authorities and/or supervisors shall:

a. Continue to work with vulnerable judicial employees to establish reasonable accommodations for those vulnerabilities.

b. Continue to allow judicial employees to work in shifts whenever possible and feasible to keep staffing levels to a bare minimum to support increased court activity.

c. Allow judicial employees to stay home if the employee (i) is subject to a quarantine or isolation order or is living with or caring for such an individual; ii) has been advised by a health care provider to self-quarantine or is living with, or caring for, an individual who has been advised to self-quarantine; (iii) is considered high risk based on local or state health official or department criteria for contracting COVID-19, or is living with, or caring for, such an individual; or (iv) is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with, or caring for, such an individual.

13. To the extent the directives, procedures, and protocols set forth in this Administrative Order are inconsistent with the Court's prior Administrative Orders regarding COVID-19 Court Operations, this Administrative Order shall control.

IT IS SO ORDERED this 24th day of March, 2021.



Russell E. Steele, Presiding Judge
Second Judicial Circuit