

# **IN THE SECOND JUDICIAL CIRCUIT OF MISSOURI**

## **ADMINISTRATIVE ORDER MODIFYING COVID-19 COURT PROTOCOL IN THE SECOND CIRCUIT**

**August 10, 2021**

In accordance with Missouri Supreme Court's Administrative Orders and Directives regarding court proceedings in consideration of the public health risk arising from the COVID-19 pandemic and the need for continued court operations and services and the criteria promulgated by the Supreme Court, the undersigned Presiding Judge has determined that, due to the fact that the counties in the Second Circuit have been designated as areas of high transmission of the COVID-19 virus, it is desirable and appropriate that the courts and court facilities in the Second Judicial Circuit implement the following policies, procedures, and protocols, **effective immediately**;

**NOW, THEREFORE, EFFECTIVE AUGUST 10, 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 implement and utilize the following policies, procedures, and protocols to protect litigants, witnesses, victims, judicial employees, attorneys, and other individuals involved in judicial proceedings or operations:

1. 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.

2. In-person court proceedings can continue where they can be safely conducted in compliance with social distancing protocols and occupancy rate limitations as set forth in this Order. Attorneys and parties who want to have matters heard or taken up in person must obtain approval of the judge with jurisdiction to have the matters placed on the court's docket.

3. 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.

4. 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 coverings which cover the nose and mouth will be required for all individuals who enter the public areas of court premises or facilities, including those who have been fully vaccinated against COVID-19, and face coverings 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, to allow persons to remove face coverings while they are speaking if necessary to facilitate effective communication or for other good cause.

d. Social distancing of at least three (3) feet from all other individuals shall be required of all person in the public areas of 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 three feet (3') of social distancing. Tape or other visible means should be used to demark three foot (3') distances where practical.

e. A limit of ten (10) 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.

5. In all criminal cases where the defendant is in custody at any detention facility or prison, the 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.

6. No jury trials shall be held.

7. 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, subject to the foregoing limitations and restrictions.

8. All court personnel in offices or private areas of court premises and facilities shall follow CDC guidelines and recommendations, including face coverings shall be required except for those persons who have been fully vaccinated against the COVID-19 virus and three feet (3') of social distancing shall be observed whenever possible or practicable.

9. Appointing authorities and supervisors of judicial personnel shall continue to work with vulnerable judicial employees to establish reasonable accommodations for those vulnerabilities and shall liberally permit judicial employees to work from home when appropriate and shall ensure that employees stay at home if (i) they have been exposed to COVID-19 infection and is subject to a quarantine or isolation order or is living with or caring for such an individual; (iii) they have been advised by a health care provider to self-quarantine or are living with, or caring for, an individual who has been advised to self-quarantine; (iv) are considered high risk based on local or state health official or department criteria for contracting COVID-19, or are living with, or caring for, such an individual; or (v) are experiencing symptoms of COVID-19, or are living with, or caring for, such an individual.

10. This Administrative Order shall replace and supersede all prior Administrative Orders regarding COVID-19 court policies, procedures, and protocols, and shall continue in full force and effect until rescinded or superseded by further Administrative Order.

**IT IS SO ORDERED this 10th day of August, 2021.**



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Russell E. Steele, Presiding Judge  
Second Judicial Circuit