



TWELFTH JUDICIAL CIRCUIT COURT
en banc

April 1, 2020
Effective April 1, 2020

IN RE: COVID-19 – In-Person Proceedings, Video Proceedings, and Social Distancing in Courtrooms, Circuit Clerk’s Offices, Juvenile Offices, other Court Offices and Litigation Related Activities
Administrative Order 20AO-04

SECOND
SUPERSEDING ORDER

This Order supersedes this Court’s Administrative Order 20AO-04 dated March 24, 2020.

WHEREAS, the Supreme Court of Missouri has suspended all in-person proceedings in all appellate and circuit courts – including all associate, family, juvenile, municipal, and probate divisions through May 1, 2020, which may be extended by the Supreme Court of Missouri as circumstances may warrant,, subject to the following exceptions:

- Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights afforded under section 544.676.3;
- Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;
- Proceedings pursuant to chapter 453 pertaining to adoption;
- Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
- Proceedings pursuant to chapter 455 pertaining to orders of protection;
- Proceedings related to emergency child custody orders;
- Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- Proceedings related to emergency mental health orders;
- Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- Proceedings directly related to the COVID-19 public health emergency;
- Oral arguments regarding time-sensitive matters;
- Other exceptions approved by the Chief Justice of this Court; and

WHEREAS, the Supreme Court of Missouri has authorized the presiding judge of each circuit to determine the manner in which the listed in-person exceptions are to be conducted; and

WHEREAS, the Supreme Court of Missouri has ordered that such proceedings shall be limited to the attorneys, parties, witnesses, security officers, and other individuals necessary to the proceedings as determined by the judge presiding over the proceedings; and

WHEREAS, the Supreme Court of Missouri has encouraged judges to utilize all available technologies – including teleconferencing and video conferencing – to further limit in-person courtroom appearances to the extent not prohibited by the constitution or statutes as to these proceedings; and

WHEREAS, the Supreme Court of Missouri has encouraged judges to utilize all available technologies – including teleconferencing and video conferencing – to conduct suspended in-person proceedings remotely; and

WHEREAS, on March 21, 2020 the Governor Missouri directed the Director of Health and Human Services to issue an order in accordance with the guidelines from the President and the Centers of Disease Control and Prevention, that every person in the State of Missouri shall avoid social gatherings of more than ten (10) people and that necessary precautions are taken and maintained to reduce the transmission of COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members; and

WHEREAS, this Court recognizes that while said Order does not apply to government functions, nevertheless the guidance from the Order is appropriate to adopt;

IT IS HEREBY ORDERED, effective May 1, 2020, which may be extended by subsequent or superseding Administrative Order as circumstances may warrant:

1. All in-person proceedings on case types or proceedings not falling within the exceptions denoted by the Supreme Court of Missouri are hereby continued and shall be reset at a later date.
2. The summoning and impaneling of all jurors through May 1, 2020 is hereby suspended. All jury trials scheduled through May 1, 2020, or that would be subject to the summoning and impaneling of jurors prior to May 1, 2020, are hereby continued and will be rescheduled to a later date.
3. In all criminal cases falling within the exception to in-person proceedings where the defendant is in detention in the County Jail 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. Judges have the discretion to allow attorneys to appear by telephone if appropriate and continue hearings as appropriate consistent with this Administrative Order. Victims have a constitutional right to participate in hearings – that right is not changed by this

Administrative Order. However, Judges are encouraged to identify alternative methods for victims to participate in any hearings.


4. Each judge has the discretion to hear motions or other routine matters via telephone or videoconferencing.
5. Each judge shall be responsible for re-scheduling new hearing dates.
6. Judges of this Court may, with the consent of the parties, conduct proceedings that are suspended from in-person proceedings utilizing PolyCom, Scopia, WebEx or Zoom, as approved by the Missouri Court Automation Committee, and utilizing the following protocols:
 - i In any proceeding conducted under these protocols all participants must be in remote, separate locations, including, but not necessarily limited to, the judge, clerk, court reporter, attorneys, parties, and witnesses;
 - ii For all participants in the proceedings, no more than 10 people may be present in any one room or space in which they are located, and all persons within such areas shall take and maintain necessary precautions to reduce the transmission of COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members;
 - iii No participant shall travel from their usual workplace or home, except to a courthouse for placement in a remote location within the courthouse for the proceedings, or in contravention of any stay-at-home order or similar order from their state or local government;
 - iv Any party agreeing to participate in such proceeding shall be responsible for downloading the appropriate software and securing the availability and usage of such software and equipment for their own counsel, party and any witness they may wish to call; and
 - v Pursuant to authorization by the Missouri Court Automation Committee, use of WebEx and Zoom is limited to only court proceedings that are open to the public and shall not extend to any court proceeding that is legally required to be confidential.
7. All nonessential court related travel for staff and judges is canceled through May 1, 2020.
8. Not more than ten (10) people at one time shall be allowed within any courtroom, Circuit Clerk's Office, Juvenile Office, judicial chambers, law library, court staff office or any other area within immediate proximity or control of the Court for the purpose of accommodating a court-related function, and all persons within such areas shall take and maintain necessary precautions to reduce the transmission of

COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members.

9. Depositions, as otherwise allowed, may only occur with the following conditions:
 - i The deposition may occur by tele-conference or video-conference provided that the attorneys, deponent, and court reporter shall be in separate locations and no more than 10 people may be present in any one room or space, all persons within such areas shall take and maintain necessary precautions to reduce the transmission of COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members; and
 - ii the court reporter, attorneys, and deponent shall not travel from their usual workplace or home, or in contravention of any stay-at-home order or similar order from their state or local government.
10. Court-ordered mediation may only occur with the following conditions:
 - i The mediation may occur by tele-conference or video-conference provided that the attorneys, parties, and mediator shall be in separate locations and no more than 10 people may be present in any one room or space, all persons within such areas shall take and maintain necessary precautions to reduce the transmission of COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members; and
 - ii The attorneys, parties and mediator shall not travel from their usual workplace or home, or in contravention of any stay-at-home order or similar order from their state or local government.
11. Court appointed guardians ad litem shall not have in-person contact with any person as part of their assignment, except for good cause shown.
12. Educational parenting sessions as required in domestic relations cases may only be attended online as allowed by Section 452.605, RSMo, except for good cause shown.
13. Due to good cause found because of the pandemic, in-person hearings on renewals of orders of protection shall be continued and reset, except for further good cause shown; new ex parte orders of protection shall be issued as required by law.
14. In order to provide stability to children and families in domestic relations cases, and to efficiently manage judicial resources at the expiration of this Order, counsel and parties are strongly encourage to mediate domestic relations cases as otherwise allowed by Supreme Court Rule 88. Such mediation may only occur with the following conditions:

- i The mediation may occur by tele-conference or video-conference provided that the attorneys, parties, and mediator shall be in separate locations and no more than 10 people may be present in any one room or space, all persons within such areas shall take and maintain necessary precautions to reduce the transmission of COVID-19, including maintaining at least six feet (6') of distance between all individuals that are not family members; and
 - ii The attorneys, parties and mediator shall not travel from their usual workplace or home, or in contravention of any stay-at-home order or similar order from their state or local government.
15. The performance of judicial marriage ceremonies by judges of this Court is hereby suspended.
16. All private probation companies who are currently supervising a defendant by way of an order of a judge of this Court shall adhere to all limitations regarding in-person contact as currently adopted by the Missouri State Board of Probation and Parole.
17. The payment of court costs and fines for any case within this circuit shall only be accepted online or by mail. All deadlines for the payment of court costs and fines ordered by a judge of this Court are hereby extended for 90 days from the expiration date of this Order.
18. The Circuit Clerks shall ensure that the public access computer portals are set up in areas accessible to litigants who otherwise lack access to computers that is in conformity with the social distancing procedures set out herein.
19. All municipal courts within the 12th Circuit are encouraged to take appropriate action consistent with this Administrative Order.

Day-to-day



JASON H. LAMB, Presiding Judge