

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

SUPERSEDING ADMINISTRATIVE ORDER #4

In Re: COVID-19 Virus (Novel Coronavirus) Pandemic

This Administrative Order supersedes this Court's Administrative Order issued April 3, 2020, as follows:

WHEREAS, the Centers for Disease Control and Prevention have declared that the outbreak of the COVID-19 virus (also known as the novel coronavirus) is a worldwide pandemic;

WHEREAS, both the President of the United States and the Governor of the State of Missouri have recently declared states of emergency related to this pandemic;

WHEREAS, on March 18, 2020, the Clay County Commission approved a COVID-19 Protocol both in an effort to slow the spread of the COVID-19 virus in Clay County in general, and specifically to protect the health and safety of all Clay County employees;

WHEREAS, on April 16, 2020, Governor Parson extended his state-wide Stay at Home Order for the State of Missouri through Sunday, May 3, 2020;

WHEREAS, on April 17, 2020, the Clay County Public Health Center extended the duration of its second Public Health Emergency Order, issued March 22, 2020, continuing the cessation of all in-person performance of "non-essential" businesses and all other "non-essential operations", as well as the direction for all Clay County, Mo, residents (with certain exemptions) to remain in their residences, except for the performance of "essential activities", until Friday, May 15, 2020;

WHEREAS, on April 17, 2020, the Supreme Court of Missouri issued its Order superseding its previously issued Orders dated March 16, March 22, and April 1, 2020, extending the current suspension (with certain exceptions) all in-person court proceedings in appellate and circuit courts through Friday, May 15, 2020;

WHEREAS, it is imperative to take all necessary steps to protect the health and safety of all employees of the 7th Judicial Circuit, all judicial officers, and all attorneys and parties who have court hearings or other business in the 7th Judicial Circuit, while also balancing the rights of all said individuals and parties to litigation;

WHEREAS, the COVID-19 virus is highly contagious, spreading rapidly between people in close contact with one another through respiratory droplets produced when an infected person

coughs or sneezes, or potentially when a person touches a contaminated surface and then touches their mouth, nose or eyes;

WHEREAS, there is currently no approved vaccine for the COVID-19 virus;

WHEREAS certain members of our community are especially vulnerable to infection by the COVID-19 virus, including those over the age of 65, pregnant women, and those with chronic medical conditions such as heart disease, lung disease, and diabetes;

WHEREAS, the Presiding Judge of the 7th Judicial Circuit has authority over all cases, trials, and dockets of this Circuit, including all scheduling of the same;

WHEREAS, the Presiding Judge of the 7th Judicial Circuit has administrative authority over all courthouse personnel;

WHEREAS, the Presiding Judge of the 7th Judicial Circuit has authority over all access to the courthouse itself and the juvenile justice building;

IT IS HEREBY ORDERED, effective Monday, April 20, 2020, and continuing through Friday, May 15, 2020, unless otherwise specifically set forth below, or unless modified or extended in a subsequent Administrative Order, as follows:

1. All in-person Court proceedings – including all circuit, associate circuit, family, juvenile, municipal and probate court proceedings – are hereby suspended through Friday, May 15, 2020. This suspension of in-person court proceedings is subject to the following exceptions:
 - a. Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights set forth under Section 544.676.3, RSMo;
 - b. Proceedings pursuant to Chapters 210 and 211, RSMo., pertaining to juvenile delinquency, and abuse, neglect and termination of parental rights;
 - c. Proceedings pursuant to Chapter 453, RSMo., pertaining to adoption;
 - d. Proceedings pursuant to Chapter 455 RSMo., concerning Orders of Protection;
 - e. Proceedings related to emergency child custody orders;
 - f. Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
 - g. Proceedings related to emergency mental health orders;
 - h. Proceedings pursuant to Chapter 475, RSMo., for emergency guardianship or conservatorship;
 - i. Proceedings directly related to the COVID-19 public health emergency;
 - j. Oral arguments regarding time-sensitive matters; and
 - k. Other matters specifically approved by the Chief Justice of the Missouri Supreme Court.
2. In all criminal cases wherein the defendant is currently incarcerated in the Clay County Detention Center and court proceedings related to the disposition of the case or the constitutional rights of the defendant must take place (i.e. arraignments, bond hearings,

trial settings), judges are encouraged to make use of, to the greatest extent possible, video appearances of the defendant.

3. During the duration of this Order, Judges presiding over a civil case or matter may exercise their discretion to waive, for good cause shown, any filing deadlines or time limitations set through Missouri's e-filing system or by court order, local rule, or Missouri Supreme Court Rules 41 through 81. This authorization does not apply to any deadline or time limitations set by statute or by constitutional provision.
4. All jury trials are hereby suspended through June 26, 2020. The Jury Supervisor is therefore Ordered and authorized to suspend the impaneling of juries for the weeks of April 6, April 13, April 20, April 27, May 4, May 11, May 18, May 25, June 1, June 8, June 15, and June 22, 2020. All jury trials previously scheduled for those weeks are hereby continued and shall be rescheduled to a later date.
5. **The Clay County Courthouse and the Juvenile Justice Center shall remain open for all other court-related business, including but not limited to:**
 - a. Payment of fines, court costs and fees;
 - b. Payment of restitution;
 - c. Payment of child support;
 - d. Meetings in the Clay County Prosecutor's Office (e.g. victims, witnesses, law enforcement officers, probation officers or attorneys);
 - e. Meetings with judges;
 - f. Filings of criminal, civil, probate, or family court cases, including but not limited to adult and child abuse orders of protection, temporary restraining orders, and mental health-related orders;
 - g. Any issue or matter involving the Public Administrator's Office;
 - h. Individual questions regarding any court-related matter; and
 - i. Any court proceedings that do not require in-person appearances of the parties or counsel.
6. For the duration of this Order, judges may exercise their discretion to conduct proceedings that do not require in-person appearances, or in-person proceedings suspended as a result of this Order, by teleconferencing, video conferencing, or other available technology to the extent not otherwise prohibited by statutory or constitutional restrictions.
7. Although the Clay County Courthouse and the Juvenile Justice Center remain open as described above, it is strongly encouraged that those entering either building be limited to

only those individuals with actual court-related business, that all other adult family and friends remain outside of the building.

8. **Effective Friday, April 3, 2020, and until further order of this Court, the following persons shall not enter the Clay County Courthouse, the Clay County Juvenile Justice Building, or any Municipal Divisions in Clay County, Missouri, for any reason:**

- a. Persons who have been diagnosed with COVID-19 (novel coronavirus) infection or who reside with anyone who has been diagnosed with COVID-19 infection;
- b. Persons who have been asked to self-quarantine by any doctor, hospital or health agency;
- c. Persons with unexplained symptoms of acute respiratory illness, including fever, persistent cough, or shortness of breath;
- d. Persons who, within the last 14 days, have traveled to any foreign country or to any of the following states: California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Texas, or Washington state; and
- e. Persons who reside with someone who, within the last 14 days, has traveled to any foreign country or to any of the following states: California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Texas, or Washington state.

9. Courthouse employees, including all judicial officers and court reporters, **who either currently have symptoms** of COVID-19 (novel coronavirus) infection, including fever, persistent or heavy cough, or shortness of breath, **or who develop such symptoms over the next four weeks**, are hereby **Ordered** to stay home from the onset of such symptoms until they recover as set forth below.

10. Courthouse employees, including all judicial officers and court reporters, caring for or living in close proximity with a family member, friend, or other loved one, who either currently has or who develops over the next four weeks, symptoms of COVID-19 (novel coronavirus) infection, including fever, persistent or heavy cough, or shortness of breath, are hereby **Ordered** to stay home from the onset of such symptoms until such person recovers, and the employee completes a home quarantine period as set forth below.

11. **Administrative Leave with Pay and Return to Work:**

- a. All employees who stay home due to illness or to care for an ill member of their household are strongly encouraged to obtain COVID-19 testing for themselves or their ill household member.

- b. Those courthouse employees who stay home due to illness, or stay home to care for an ill member of their household, are eligible to receive administrative leave with pay for that time period if the employee or that household member has a confirmed case of COVID-19 infection.
- c. Those courthouse employees who either have a confirmed case of COVID-19 infection or who have been recommended for home quarantine following a presumptive positive determination of COVID-19 infection made by a physician, other licensed health care provider, or by the Clay County Health Department, will not be allowed to return to work until they recover and meet the following criteria:
 - i. They are free of fever (100.4 degrees F or 37.8 degrees C or greater using an oral thermometer) for at least 72 hours (three full days) without the use of fever- reducing medications;
 - ii. Other symptoms (i.e. cough, shortness of breath) have improved; and
 - iii. It has been at least seven days since the onset of symptoms.
- d. Those courthouse employees who stay home from work to care for an ill household member who either has a confirmed case of COVID-19 infection or who has been recommended for home quarantine following a presumptive positive determination of COVID-19 infection made by a physician, other licensed health care provider, or by the Clay County Health Department, will not be allowed to return to work until that household member recovers and the following criteria are met:
 - i. The household member is free of fever (100.4 degrees F or 37.8 degrees C or greater using an oral thermometer) for at least 72 hours (three full days) without the use of fever- reducing medications; and
 - ii. The household member's other symptoms (i.e. cough, shortness of breath) have improved; and
 - iii. Beginning with the above date at which their ill household member is recovered, the employee completes a 14 day period of home quarantine.
- e. Those courthouse employees who stay home due to illness, or stay home to care for an ill member of their household, and subsequently either themselves or that household member do not have a confirmed case of COVID-19 infection will be required to take normal sick or vacation time to cover that period of absence.

12. Bond and Probation Supervision:

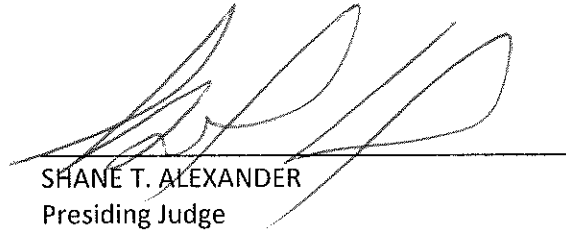
- a. In all criminal cases, all previously issued Orders regarding bond or probation supervision remain in full force and effect, unless specifically amended or exempted, on a case-by-case basis, by either the Judge who issued the Order, or in that Judge's absence, by the Presiding Judge, with the following exceptions:
 - i. Orders to perform community service are suspended until Monday, May 18, 2020.;

- ii. Orders to attend and complete substance abuse treatment, mental health treatment, and other similar programs may be either amended or suspended consistent with each treatment providers' provision of services;
 - iii. Orders to submit to random urinalysis shall be suspended, if the supervising agency, treatment provider or private company to which the criminal defendant normally reports for urinalysis suspends its operations, for the duration of said suspension of operations; and
 - iv. Orders to report in person to either a bond supervising officer or to a probation officer may be amended, at the discretion of said officer, to allow for either video or phone-in reporting through Friday, May 15, 2020.
- b. If a criminal defendant, whether on bond or on probation supervision, either becomes ill or begins caring for an ill household member, the same provisions set forth above in paragraphs 9, 10, and 11 shall apply with respect to that criminal defendant's bond or probation supervision.
- c. **If a criminal defendant asserts that he or she is unable to comply with the terms and conditions of his or her bond or probation supervision due to either personal illness or the illness of a household member, said criminal defendant must provide written verification of either a positive COVID-19 test of either themselves or that household member, or of a home quarantine order following a presumptive positive determination of COVID-19 infection made by a physician, other licensed health care provider, or the Clay County Health Department, for himself/herself or that household member, to either their bond supervision officer or their probation officer.** Failure to do so will most likely result in the submission of a bond violation or a probation violation report.

13. Municipal Courts:

- a. All municipal courts in Clay County, Missouri, are subject to this Administrative Order and are encouraged to take appropriate action consistent with this Administrative Order, as well as the guidelines issued by the Centers for Disease Control and Prevention and the Clay County Public Health Center.
- b. In the event that a municipality within Clay County, Missouri, has chosen to take more restrictive action than set forth within this Order (i.e. by ordering the closure of all municipal facilities for a longer duration than set forth in this Order), the Judge for that municipality shall immediately so inform the Presiding Judge, so that additional steps may be taken as necessary to ensure that all individuals have equal access to justice within the 7th Judicial Circuit.

SO ORDERED on this 20th day of April, 2020.



SHANE T. ALEXANDER
Presiding Judge