

**IN THE ELEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI**

ADMINISTRATIVE ORDER NO. 2020-023

**In Re: COURT OPERATIONS DURING COVID-19
LIMITED ACCESS TO COURT BUILDINGS**

This Order supersedes Administrative Order 2020-019

WHEREAS, the U.S. Centers for Disease Control and Prevention have declared that the outbreak of COVID-19 is a worldwide pandemic, and the President of the United States, the Governor of the State of Missouri and the St. Charles County Executive have, accordingly, declared a state of emergency, and;

WHEREAS, the Missouri Supreme Court, pursuant to its Order dated April 17, 2020 and subsequent orders through May 4, 2020 has suspended certain in-person proceedings in all courts and instructed courts in this state to “prepare for potential infection in their community”, and to “consider strategies to prevent the spread of respiratory germs into, within, and between facilities,” and;

WHEREAS, it is imperative to take steps to protect the health and safety of all employees of the 11th Judicial Circuit, all judicial officers and all attorneys and parties who have court hearings or other business in this Judicial Circuit while also balancing the rights of all said individuals and parties to litigation, and;

WHEREAS, it is appropriate and necessary to take quick action to reduce the possibility of exposure to COVID-19 and to reduce the spread of COVID-19, and;

WHEREAS, the unprecedented circumstances existing at this time warrant this administrative action, and;

WHEREAS, the Court desires to employ all reasonable and prudent measures to help protect the general public, litigants, lawyers, and employees from the spread of COVID-19 creating this emergency, and;

WHEREAS, the Presiding Judge of the 11th Judicial Circuit has the authority over dockets of this Circuit, including all St. Charles County Municipal Courts, to enter Orders affecting the general scheduling of cases in this Circuit, and;

WHEREAS on March 13, 2020, the Governor of Missouri declared that a state of emergency exists in the state of Missouri to address the spread of COVID-19 and to prevent a

substantial risk to public health and safety, and;

WHEREAS to combat the spread of COVID-19 in Missouri, Governor Parson issued a Stay at Home Missouri Order effective April 6, 2020 through May 3, 2020. On April 27, 2020, Governor Parson announced that Missouri would enter an initial recovery phase beginning May 4, 2020 and issued the Show Me Strong Recovery Order, effective until May 31, 2020, requiring persons and businesses to comply with social distancing requirements, including maintaining six feet of space between individuals, but otherwise allowing all businesses to reopen with recommended safety precautions, and;

WHEREAS on April 29, 2020, the St. Charles County Executive issued an Order requiring persons and businesses to comply with social distancing requirements and encouraging recommended safety precautions, and;

WHEREAS the 11th Judicial Circuit Court and all of its municipal courts have been operating in Phase Zero consistent with the Supreme Court's Order dated May 4, 2020. In Phase Zero, all in-person proceedings are suspended except:

- 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; and
- Other exceptions approved by the Chief Justice of the Supreme Court.

All proceedings that do not meet the above exceptions to in-person appearances of parties or counsel have continued by utilizing available technologies, including teleconferencing and video conferencing, whenever possible, and;

WHEREAS, the Supreme Court Order of May 4, 2020, effective May 16, 2020, authorizes the Presiding Judge of each circuit to determine, based on certain Gateway Criteria, when all courts in that circuit will progress to Phase One, Two and Three with a minimum separation of fourteen days between each phase, and;

WHEREAS, the Court will progress to Phases One, Two, and Three only if local COVID-19 conditions continue to stay the same or improve, and it can implement sufficient procedures to ensure the safety of every litigant, juror, witness, victim, judicial employee, attorney and other individual involved in judicial proceedings, and;

WHEREAS, if it is determined in the future that local COVID-19 conditions are worsening or that there is a resurgence of COVID-19 cases in the community, the Presiding Judge may return to a lower Operating Phase including, when necessary and appropriate, returning to Operating Phase Zero, and;

WHEREAS, after assessing the Gateway Criteria contained in the Supreme Court Order of May 4, 2020, finds as follows:

1. There have been no confirmed COVID-19 cases in any court facility to date.
2. The County Executive of St. Charles County has entered orders encouraging all businesses to comply with social distancing requirements and encouraging recommended safety precautions. COVID-19 health conditions have been stable over a 14-day period in the community. There has been no evidence of widespread community infection of COVID-19 in St. Charles County.
3. Local government authorities have found that the public health system has the hospital resources, testing resources, and public health containment resources to begin the process of safely re-opening the local economy.
4. Local health officials and judiciary partners approve of changes to the phase of re-opening from Zero to One and courthouse activities consistent with restrictions on occupancy and social distancing requirements.

WHEREAS, based on these Gateway Criteria findings, the Presiding Judge finds that local conditions are improving sufficiently to allow the Court to progress to Phase One.

NOW THEREFORE, IT IS HEREBY ORDERED:

Effective immediately and continuing until further order of the Presiding Judge the 11th Judicial Circuit, St. Charles County Circuit Court, including all municipal divisions thereof, will remain open with the following modifications to its operations:

Operating Phase One Effective May 16, 2020:

In Phase One, the Court will operate with the following restrictions:

1. No in-person court matters will be conducted other than the current exceptions permitted in Phase Zero and the following most critical in-person proceedings:

-Restraining Orders and Injunctions in the Family Court;

-Termination of Parental Rights/Contested Adjudication hearings in the Juvenile Court;

-Treatment Court cases involving non-compliant participants, and;

-Landlord/Tenant cases where possession is at issue and that comply with Section 4024 of Public law 116-136, the Coronavirus Aid, Relief and Economic Security Act.

2. Members of the public who are not involved in a court proceeding will not be permitted in the Courthouse.
3. Social distancing is required of court staff, attorneys, parties and witnesses.
4. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
5. The temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry.
6. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required.
7. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys are encouraged to schedule motion hearings and other matters by telephone or video conference.
8. Jury trials will not be held.
9. Large venues and common areas such as break rooms are closed. Occupancy rates in courtrooms, jury assembly rooms, and other areas in the court facility are limited to a rate of 10 or less whenever possible.
10. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.
11. Only employees and staff are permitted in the secure areas of the Courthouse.

The Court will remain in Operating Phase One until May 30, 2020 at which time it will proceed to Phase TWO if local COVID-19 conditions remain the same or improve and the Presiding Judges certifies this condition to the Missouri Supreme Court. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase One or return to Phase Zero pursuant to further order of the Presiding Judge.

Operating Phase 2, Effective June 1, 2020

In Phase 2, the Court will operate with the following restrictions:

1. In-person court matters will be conducted as long as strict social distancing

requirements can be met both in the Courtroom and the Courthouse lobbies and hallways.

2. Members of the public who are not involved in a court proceeding will not be allowed in the Courthouse.
3. Social distancing is required of court staff, attorneys, parties and witnesses.
4. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
5. The temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry.
6. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required.
7. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys are encouraged to schedule motion hearings and other matters by telephone or video conference.
8. Jury trials will not be held.
9. Occupancy rates in courtrooms, jury assembly rooms, and other areas in the court facility are limited to 25 or less whenever possible. Each courtroom will have a social distancing maximum occupancy assigned by the Presiding Judge and enforced by the Sheriff's Department. Judges and clerks are encouraged to set dockets on the hour given social distancing limits and to prevent overcrowding in the public common areas.
10. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.
11. Continue to use available technologies such as teleconferences and video hearings in all cases.
12. Only employees and staff are permitted in the secure areas of the Courthouse.

The Court will remain in Operating Phase Two until June 15, 2020, at which time it will proceed to Phase Three if local COVID-19 conditions remain the same or improve and the Presiding Judges certifies this condition to the Missouri Supreme Court. However, if consideration of the Gateway Criteria indicate local COVID-19 conditions have deteriorated, the Court may remain in Phase Two or return to Phase One or Zero.

Operating Phase Three Effective June 15, 2020

In Phase Three, the Court will operate with the following restrictions:

1. In-person court matters will be conducted as long as strict social distancing

requirements can be met both in the Courtroom and the Courthouse lobbies and hallways.

2. Social distancing is required of court staff, attorneys, parties and witnesses.
3. Individuals will not be allowed access to a court facility who have been exposed to or are exhibiting symptoms of COVID-19.
4. The temperature of all individuals entering a court facility will be taken and those individuals with a temperature of 100.4 degrees or more will not be allowed entry.
5. The use of masks or face coverings by attorneys, parties, witnesses, victims and courtroom staff is required.
6. Continue to use available technologies such as teleconferences and video hearings in all cases. Attorneys are encouraged to schedule motion hearings and other matters by telephone or video conference.
7. Jury trials will resume on July 6, 2020.
8. Occupancy rates in courtrooms, jury assembly rooms, and other areas in the court facility are only limited by social distancing restrictions of six feet of spacing between persons. Each Courtroom, lobby and hallway will have a social distancing maximum occupancy assigned by the Presiding Judge and enforced by the Sheriff's Department. Judges and clerks are encouraged to set dockets on the hour given social distancing limits and to prevent overcrowding in the public common areas.
9. Extra cleaning and disinfecting will occur throughout each day and hand sanitizer will be made available.
10. Continue to use available technologies such as teleconferences and video hearings in all cases.
11. Only employees and staff are permitted in the secure areas of the Courthouse.

**LIMITED ENTRY TO COURT BUILDINGS INCLUDING
JUVENILE JUSTICE CENTER**

In the event an in-person hearing or conference is to occur, the Judicial Officer or his/her administrative staff shall be responsible for notifying Sheriff's Deputies or other security personnel at the Court Building where the hearing or conference will occur, that an in-person hearing shall occur and shall provide Sheriff's Deputies or other security personnel with the names of any such designated individuals who are required to appear for said in-person hearing or conference. Only those identified individuals will be allowed to enter Court Buildings for the designated in-person hearing. If the Sheriff's Deputies or other security personnel are not notified of the persons who are to appear in-person for any such hearing, any person attempting to enter a Court Building for such hearing will be denied entry to the Court Building.

Entry to Court Buildings shall be limited to the following persons:

1. Judicial Officers, employees of the Court, employees of the St. Charles County Sheriff's Department, employees of St. Charles County Facilities Management, employees of the St. Charles County Prosecuting Attorney, St. Charles County Public Administrator, and employees of the Missouri Public Defender who office in the building;
2. Those individuals specifically identified by a Judicial Officer as necessary for an in-person hearing as required and set forth above.
3. Independent contractors, delivery persons and vendors who have permission to enter Court Buildings from either the Presiding Judge of the Court or the Circuit Clerk and whose entry into Court Buildings is necessary for continuous operation of the Court. This Administrative Order is not intended to limit access to Court Buildings as determined to be necessary or appropriate by the St. Charles County Executive or Administration or the St. Charles County Sheriff,

Anyone attempting to enter Court Buildings in violation of these protocols will be denied entry by St. Charles County Sheriff's Deputies or other security personnel. Individuals not authorized to enter the Court Buildings because of the restrictions listed above are provided the following contact information to have remote access to the administration of justice:

- a) If you are represented by an attorney, please contact your attorney;
- b) If you are an attorney scheduled to appear in Court before a Circuit or Associate Circuit Judge, please contact the Division Clerk or contact the Court's website at <https://www.courts.mo.gov/hosted/circuit11/default.html> for chambers contact information;
- c) If you need information about the status of your case, please consult Casenet or contact the Circuit Clerk's Office:
 - (i) Civil Clerk - (636) 949-3080.
 - (ii) Criminal Clerk (636) 949-7380.
 - (iii) Probate – (636) 949-3086.
 - (iv) Small Claims – (636) 949-7900, ext 5531
- d) If you are a prospective Juror, please contact the Jury Commissioner at (636) 949-3088.
- e) If you are seeking an Order of Protection regarding adult/child abuse please contact (636) 949-3080.
- f) For St. Charles County Prosecuting Attorney matters, please call (636) 949-7355
- g) For St. Charles County Public Defender matters, please call (636) 949-7300
- h) For Family Court matters, please contact the Family Court Clerk at (636) 949-7391
- i) For St. Charles County Sheriff matters, please call (636) 949-3010
- j) For St. Charles County Juvenile matters please call (636) 949-3040

The Circuit Clerk is ordered to establish procedures and protocols for pro se litigants to deliver and/or file pleadings and other documents with the Court, including but not limited to Petitions for Orders of Protection. This may include receiving faxed documents, placing a public access computer terminal at an entrance to the courthouse so further entry is not necessary, creating drop boxes at designated entries to Court Buildings or other methods for pro se litigants to have continuous access to the Court. As soon as those procedures are finalized they will be posted on Court Building doors, posted on the Court's website at <https://www.courts.mo.gov/hosted/circuit11/default.html>.

The following additional rules are implemented in order to carry out the mandate of the Missouri Supreme Court:

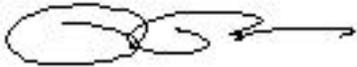
1. The Circuit Clerk is ordered and authorized to suspend the impaneling of all jurors through July 5, 2020. All jury trials scheduled through July 5, 2020 are hereby continued and will be rescheduled to a later date. Prospective jurors are referred to the St. Charles County website for further information. <https://www.courts.mo.gov/hosted/circuit11/>;
2. In all criminal cases, as well as probation revocation matters, where the defendant is confined in the St. Charles County Justice Center, or otherwise in custody at any other jail or at any other prison, said defendants shall not be personally transported to or brought into court for any hearing until Operating Phase Three. However, the Courts are still encouraged to utilize video conferencing for all incarcerated defendants at all times. All hearings regarding any such defendants shall be conducted via videoconferencing, including initial appearances, bond reviews and arraignment hearings. Judges have the discretion to allow attorneys to appear by telephone, polycom, videoconferencing, Cisco Webex or any other method that does not require the physical presence of persons if appropriate and cancel/continue hearings as appropriate and consistent with this Administrative Order. Victims have the statutory right to participate in hearings - that right is not changed by this Administrative Order. However, the Prosecutor Attorney's Office is encouraged to identify alternative methods for victims to participate in any hearings;
3. Until Phase Two, all criminal cases where the defendant is not in custody shall be heard by video conference, telephone or postponed and rescheduled;
4. Until Phase Two, Probation officers shall not appear in person for probation revocation proceedings unless requested by the appropriate judge;
5. Any Orders of Commitment that require a Defendant to serve a series of weekends are suspended immediately. It is the responsibility of the St. Charles County Department of Corrections to notify the sentencing court of these cases as they appear so the Court can notify the Defendant and prepare an Amended Order of Commitment.
6. All in-person Court dockets not covered by exceptions enumerated herein shall be heard

by video conferencing, telephone or postponed and rescheduled after the commencement of Phase Two or June 1, 2020.

7. Pursuant to Sections 455.040 RSMo. and 455.516 RSMo. for good cause as demonstrated in this Administrative Order, all full Order of Protection hearings, not involving an Ex Parte Order of Protection issued by a judge, scheduled through June 1, 2020 may be continued and rescheduled or conducted by video conference. All hearings involving Ex Parte Orders of Protection currently in effect may be conducted in-person or by videoconferencing;
8. Regarding hearings scheduled in the Juvenile Division of the St. Charles County Family Court, all detention hearings, protective custody hearings, termination of parental rights and contested adjudication hearings will proceed as scheduled and at the discretion of the Juvenile Judge may be in person, by videoconferencing or telephone conference. Hearings for juveniles held in judicial custody within the St. Charles County Juvenile Detention Center shall be held in person. Nothing in this order prevents the Juvenile Court from conducting hearings by videoconference or telephone conference at any time.
9. Probate cases involving 96-hour and 21-day mental health involuntary detentions and emergency guardianships will be heard as scheduled;
10. Each Judge and his/her division staff, along with the staff of any supporting department, shall be responsible for notifying all parties and counsel if their cases/dockets will be postponed, and shall be responsible for rescheduling new hearing dates. If the cases/dockets are not being postponed/continued, the court will also notify all parties and counsel of any special arrangements, such as videoconferencing and telephone hearings;
11. Unless otherwise indicated above, all hearings on criminal, civil, domestic, and juvenile and probate cases will not be in-person until at least Phase Two unless the case meets one of the above exceptions pursuant to the Order of the Missouri Supreme Court of May 4, 2020 and this Administrative Order. For the safety of all personnel Judges are strongly encouraged to conduct such hearings via videoconferencing, telephone, Cisco WebEx or any other virtual platform if possible. Additionally, Judges are strongly encouraged to conduct such hearings consistent with this Administrative Order and guidelines from the U.S. Centers for Disease Control and Prevention, the Missouri Department of Health and the St. Charles County Department of Public Health and enforce appropriate social distancing.
12. All Municipal Courts supervised by the Presiding Judge of the 11th Judicial Circuit are subject to this Administrative Order. All Municipal Court proceedings are suspended, consistent with this Administrative Order. This order does not pertain to other municipal functions that are governed separately by the municipalities in which they are located;

13. The Adult Abuse Office will continue its normal operations pursuant to accepting applications for ex parte orders of protection;
14. All non-essential court-related activities, such as weddings, tours, meetings with outside groups, after-hours classes, social activities and events will be postponed and rescheduled. Weddings may resume in Phase Two on June 1, 2020 and must comply with social distancing;
15. All areas of the Courts will be closed to the public who do not have a scheduled hearing before the Court;
16. Judges shall have the discretion to exclude any individuals from their courtrooms or any area of the Courthouse or Juvenile Justice Center in order to comply with Administrative Orders and the recommendations of the CDC and the St. Charles County Department of Health;
17. All nonessential court-related travel for staff and judicial officers is canceled through June 15, 2020;

SO ORDERED:



DANIEL G. PELIKAN
PRESIDING JUDGE

DATED: May 15, 2020