

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

SUPERSEDING ADMINISTRATIVE ORDER #9

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

This Administrative Order supersedes this Court's Administrative Orders issued May 14, 2020, and July 2, 2020, as follows:

WHEREAS, on July 24, 2020, the Missouri Supreme Court issued its Order, effective August 1, 2020, superseding its Order issued May 4, 2020, providing Operational Directives for the gradual resumption of those court activities currently under suspension, utilizing a phased in approach;

IT IS HEREBY ORDERED, effective Monday, August 3, 2020, pursuant to the Order of the Missouri Supreme Court issued July 24, 2020, and consistent with both the Operational Directives and Gateway Criteria set forth therein, all courts of the 7th Judicial Circuit, including all circuit, associate circuit, family, juvenile, probate and municipal courts, shall perform all court-related activities, functions and operations as set forth below.

I. Directives Common to All Operating Phases

- A. Operating Phase Duration: Each Operating Phase shall be no less than 14 days in duration;
- B. Operating Phase Advancement: Upon successful completion of a minimum of 14 days in a lower Operating Phase, the Circuit may advance to the next higher Operating Phase only if the Presiding Judge determines that the Gateway Criteria set forth by the Missouri Supreme Court continue to be met, including that local health conditions continue to improve, and then only with proper notification to the Missouri Supreme Court.
- C. Operating Phase Regression:
 1. **If any court employee, bailiff, or other court personnel currently working in a court facility tests positive for the COVID-19 virus (novel coronavirus), that facility shall immediately return to operating at either Phase One or Phase Zero as determined by the Presiding Judge;**
 2. If, at any time, the Presiding Judge determines that Gateway Criteria are not being met, or that local health conditions are worsening, the Presiding Judge may Order the Circuit to a lower Operating Phase, including resumption of the current suspension of court activities (Phase Zero).
- D. Courthouse Entry:
 1. Face Masks:

- a. All persons – including all courthouse employees, any other person seeking to perform work within any court facility of this Circuit, and any member of the general public seeking entry into any said court facilities – shall be required to wear a face mask or face covering upon entry into either the Clay County Courthouse, the Juvenile Justice Center, any municipal court, or any other court facility of this Circuit;
- b. Any person, including any courthouse employee or other person performing work within a court facility, and any other person with court-related business seeking entry into the Clay County Courthouse, the Juvenile Justice Center, any municipal court, or any other court facility of this Circuit, who does not have a face mask or face covering will be provided one.

2. Courthouse Personnel:

- a. All courthouse employees and any other individual performing any kind of work within the Clay County Courthouse shall, each day, upon first arriving for work, enter the building through the southeast entrance (commonly known as the Prosecutor's Office entrance).
- b. While in the entryway area and prior to proceeding any further into the building, each employee shall check his or her temperature using either a handheld infrared thermometer or at a free-standing infrared temperature screening unit.
- c. Only those courthouse employees and other individuals seeking to perform work within the courthouse whose temperature is under 100.4 F will be allowed entry into the building.
- d. Courthouse employees and other individuals seeking to perform work within the courthouse whose temperature is 100.4 degrees F or greater shall be denied entry into the courthouse.
- e. Any courthouse employee denied entry into the building due to the above circumstance shall immediately notify his or her supervisor and shall not return to work until the employee has met the criteria for return as set forth below.
- f. Employees of the Clay County Sheriff's Department, including all bailiffs, may opt to have their temperature taken at the Clay County Detention Center prior to reporting for work at the courthouse each day.

3. General Public:

- a. Subject to the limitations set forth below, only those individuals with actual court-related business shall be permitted entry into either the Clay County Courthouse or the Juvenile Justice Center; all other adults accompanying said individuals shall remain outside of the building;

- b. Assuming that it is available for public use at the entrance to the building, all persons seeking entry into either the Clay County Courthouse or the Juvenile Justice Center, including all attorneys, litigants, and witnesses in all types of cases, shall be required to use hand sanitizer prior to being granted permission to enter either building;
- c. No loitering shall be tolerated in any area of the Clay County Courthouse, including both floors of the rotunda. All members of the public, including all attorneys, are directed to conclude their business as rapidly as possible and then immediately exit the building.

4. The following persons shall not enter the Clay County Courthouse, the Clay County Juvenile Justice Building, or any Municipal Divisions of the 7th Judicial Circuit, Clay County, Missouri, for any reason:

- a. Persons currently experiencing symptoms of acute respiratory illness, including fever (temperature of 100.4 degrees F / 37.8 degrees C, or greater), persistent cough, or shortness of breath;
- b. Persons currently under self-quarantine as ordered or requested by any doctor, other licensed health care provider, or health agency (such as the Clay County Public Health Center), or who reside with anyone who has been ordered or requested to so self-quarantine, pursuant to a determination of a presumptive positive diagnosis of COVID-19 infection;
- c. Persons who either have been diagnosed with COVID-19 (novel coronavirus) infection, or who reside with anyone who has been diagnosed with COVID-19 infection, unless either that person or the person with whom that person resides
 - 1) Has been free of fever (100.4 degrees F / 37.8 degrees C or greater using an oral or infrared thermometer) for at least 24 hours (one full day) without the use of fever-reducing medications;
 - 2) Other symptoms (i.e. cough, shortness of breath) have improved;
 - 3) It has been at least ten days since the onset of symptoms.
- d. For purposes of the potential exclusions as set forth above, the term “diagnosed with” means either a positive test for the COVID-19 (novel coronavirus), or a presumptive positive determination made by a physician, other licensed health care provider, or health agency (such as the Clay County Public Health Center).

E. Courtroom Entry: In addition to any specific Operating Phase restrictions as set forth below, the Judge or Commissioner presiding over each Division of the Circuit, including all municipal divisions thereof, remains free to impose more stringent requirements for courtroom entry as that Judge or Commissioner sees fit,

including but not limited to the following: courtroom occupancy, social distancing, the wearing of additional personal protective equipment (PPE), and the use of sanitization products.

F. Court Proceedings:

1. Social distancing of no less than six feet of separation between individuals within the courtroom shall be maintained at all times;
2. All participants in litigation, including all attorneys, parties, witnesses, victims, and law enforcement officers, shall be required to wear a face mask or face covering at all times within the courtroom, unless wearing said face mask or face covering impedes that person's ability to provide testimony or other information to the Court;
3. No attorney, litigant or witness shall be allowed to approach the Bench, including approaching the Court Clerk or Court Reporter, unless specifically permitted to do so by the Judge presiding over each case;
4. Subject to specific Operating Phase restrictions regarding courtroom occupancy, the following in-person court proceedings shall otherwise continue to be held regardless of Operating Phase status:
 - 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.
5. In Custody Criminal Case Defendants: 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.

6. Civil Cases: 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.

7. Remote Hearings: As previously Ordered, judges are encouraged to continue to exercise their discretion to conduct proceedings that do not require in-person appearances by teleconferencing, video conferencing, or other available technology to the extent not otherwise prohibited by statutory or constitutional restrictions.

8. 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. choosing to wait for a later Operating Phase before resuming in-person court proceedings) 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.

G. Other Court-Related Business: As previously Ordered, the Clay County Courthouse and the Juvenile Justice Center shall remain open, regardless of Operating Phase status, for all other court-related business, including but not limited to:

1. Payment of fines, court costs and fees;
2. Payment of restitution;
3. Payment of child support;
4. Meetings in the Clay County Prosecutor's Office (e.g. victims, witnesses, law enforcement officers, probation officers or attorneys);
5. Meetings with judges;
6. 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;
7. Any issue or matter involving the Public Administrator's Office;
8. Individual questions regarding any court-related matter; and

9. Any court proceedings that do not require in-person appearances of the parties or counsel.

H. Courthouse and Judicial Personnel

1. In General: At all times within the Clay County Courthouse or Juvenile Justice Center, all courthouse employees, bailiffs, and other individuals performing work within either building shall

- a. Maintain social distancing of no less than six feet;
- b. Make frequent use of hand sanitizer and disinfectant wipes whenever available; and
- c. Wear a face mask or face covering, unless that person is
 - 1) Alone in his or her private office;
 - 2) Medically excused from wearing a face mask or face covering by his or her physician; or
 - 3) Eating lunch at his or her desk or other area within the courthouse where social distancing can be easily maintained (i.e. conference room, Jury deliberation room, etc.)

2. Illness

- a. Employee – Any courthouse employees, including any judicial officer or court reporters who, at any time for the duration of this Administrative Order, develops symptoms of COVID-19 (novel coronavirus) infection, including fever, persistent or heavy cough, shortness of breath, or sudden loss of sense of taste or smell, is hereby **Ordered** to stay home from the onset of such symptoms until they recover as set forth below.
- b. Residence – Any courthouse employee, including any judicial officer or court reporter, caring for or living in close proximity with a family member, friend, or other loved one, who, at any time for the duration of this Administrative Order, develops symptoms of COVID-19 (novel coronavirus) infection, including fever, persistent or heavy cough, shortness of breath, or sudden loss of sense of taste or smell, is hereby **Ordered** to stay home from the onset of such person's symptoms until such person recovers, and the employee completes a home quarantine period as set forth below;
- c. Other Close Contact –
 - 1) Any courthouse employee, including any judicial officer or court reporter, who, at any time for the duration of this Administrative Order, comes into close contact with any person later diagnosed with COVID-19 is hereby **Ordered** to stay home and complete a quarantine period as set forth below.
 - 2) "Close contact" is defined as

- i. Being within 6 feet of a person later diagnosed with COVID-19 for at least 15 continuous minutes;
- ii. Providing care to a person sick with COVID-19;
- iii. Direct physical contact with a person later diagnosed with COVID-19;
- iv. Sharing eating or drinking utensils with a person later diagnosed with COVID-19; or
- v. Being exposed to respiratory droplets expelled by a person later diagnosed with COVID-19 (i.e. coughed or sneezed on by that person).

3. Return to Work:

- a. All courthouse 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 and their ill household member.
- b. Any courthouse employee denied entry into the Clay County Courthouse due to having a temperature of 100.4 degrees F / 37.8 degrees C, or greater, who does not then continue to develop symptoms of COVID-19 infection, may return to work upon either
 - 1) Testing negative for COVID-19 infection; or
 - 2) The employee being free of fever (100.4 degrees F / 37.8 degrees C or greater using an oral or infrared thermometer) for at least 24 hours (one full day) without the use of fever-reducing medications, and either
 - i. The employee provides documentation from the employee's physician that the fever was due to some other illness or allergy, or
 - ii. It has been ten days since the employee was denied entry into the courthouse due to his or her temperature.
- c. Any courthouse employee 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 employee recovers and meets the following criteria:
 - 1) The employee is free of fever (100.4 degrees F / 37.8 degrees C, or greater using an oral or infrared thermometer) for at least 24 hours (one full day) without the use of fever-reducing medications;
 - 2) Other symptoms (i.e. cough, shortness of breath) have improved; and

- 3) It has been at least ten days since the onset of symptoms.
- d. Any courthouse employee who tests positive for COVID-19 but does not develop any symptoms of infection (meaning that person is “asymptomatic”) may return to work ten days after the test was taken.
 - e. Any courthouse employee who resides with a person diagnosed with COVID-19 but does not have contact with that person (i.e. that person is isolated from the household by staying in a separate bedroom) may return to work following a 14 day home quarantine period, starting with the day the person with COVID-19 began home isolation.
 - f. Any courthouse employee who stays 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:
 - 1) The household member is free of fever (100.4 degrees F / 37.8 degrees C or greater using an oral or infrared thermometer) for at least 24 hours (one full day) without the use of fever- reducing medications; and
 - 2) The household member’s other symptoms (i.e. persistent cough, shortness of breath) have improved; and
 - 3) The employee is free of COVID-19 infection symptoms (i.e. fever, cough, shortness of breath); and
 - 4) The employee completes a 14 day home quarantine period.
 - g. Any courthouse employee who stays home due to “close contact” with a person later diagnosed with COVID-19, and who does not then develop symptoms of COVID-19 infection, may return to work after completing a 14 day home quarantine period, starting from the date the close contact occurred.

4. Administrative Leave

- a. 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;
- b. 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.

I. Bond and Probation Supervision:

1. In all criminal cases, all previously issued Orders pertaining to bond or probation supervision remain in full force and effect, regardless of Operating Phase status, 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:
 - a. 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; and
 - b. 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
2. All previously issued Administrative Orders regarding the suspension of community service performance and in-person reporting, to either a bond supervision officer or a probation officer, are hereby rescinded.
3. 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 section H, paragraphs 2 and 3, shall apply with respect to that criminal defendant's bond or probation supervision.
4. **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.

J.

II. **Court Operating Phase One**

- A. Courthouse Entry and Occupancy Limitations – In addition to those requirements set forth above pertaining to courthouse entry regardless of Operating Phase, the following requirements for entry into either the Clay County Courthouse or the Juvenile Justice Center by members of the public shall be in place for the duration of Operating Phase One:

1. Social distancing separation of at least six feet from others shall be practiced to the greatest extent possible by all members of the public seeking entry into either the Clay County Courthouse or the Juvenile Justice Center, and shall be maintained at all times within either building;
2. The jury assembly area, the attorney lounge, and the law library shall be closed to all members of the public; and
3. The clerk's breakroom shall be open only for the limited purposes of use of the refrigerator, sink, and coffee machine; furthermore, occupancy of the room shall be limited to only one person at any given time.

B. Courtroom Proceedings -

1. Courtroom Occupancy – including judicial personnel and staff – shall be limited to no more than 10 persons at any given time;
2. Any attorney or any pro se litigant particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, shall be granted permission to remotely participate, either by phone or by video conferencing methods, in any court proceeding if that person chooses to do so;
3. Likewise, any participant in any type of litigation, including any witness, victim, law enforcement officer, or party (excluding any criminal case defendant who is currently in warrant status) who is particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, may request permission to remotely participate in said litigation, either by phone or by video conferencing methods, in any court proceeding.

III. Court Operating Phase Two

A. Courthouse Entry and Occupancy Limitations – In addition to those requirements set forth above pertaining to courthouse entry regardless of Operating Phase, the following requirements for entry into either the Clay County Courthouse or the Juvenile Justice Center by members of the public shall be in place for the duration of Operating Phase Two:

1. Social distancing separation of at least six feet from others shall be practiced to the greatest extent possible by all members of the public seeking entry into either the Clay County Courthouse or the Juvenile Justice Center, and shall be maintained at all times within either building;
2. The jury assembly area shall be open for the limited purpose of providing seating for those members of the public awaiting courtroom entry, provided that social distancing measures are maintained and that face masks or face coverings are worn at all times;

3. The attorney lounge shall be open for the limited purpose of providing seating for those attorneys awaiting courtroom entry, provided that social distancing measures are maintained and that face masks or face coverings are worn at all times;
4. The law library shall remain closed to all members of the public; and
5. The clerk's breakroom shall remain open only for the limited purposes of use of the refrigerator, sink, and coffee machine; furthermore, occupancy of the room shall be limited to only two people at any given time.

B. Courtroom Proceedings -

1. Courtroom Occupancy – including judicial personnel and staff – shall be limited to no more than 25 persons at any given time;
2. Any attorney or any pro se litigant particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, shall be granted permission to remotely participate, either by phone or by video conferencing methods, in any court proceeding if that person chooses to do so;
3. Likewise, any participant in any type of litigation, including any witness, victim, law enforcement officer, or party (excluding any criminal case defendant who is currently in warrant status) who is particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, may request permission to remotely participate in said litigation, either by phone or by video conferencing methods, in any court proceeding.

IV. Court Operating Phase Three

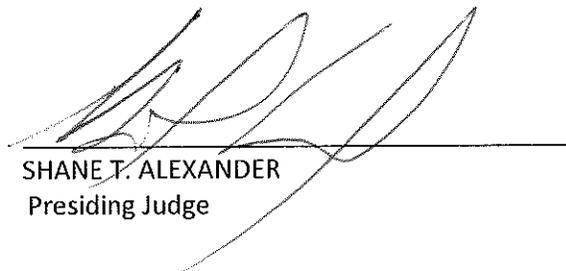
- A. Courthouse Entry and Occupancy Limitations – In addition to those requirements set forth above pertaining to courthouse entry regardless of Operating Phase, the following requirements for entry into either the Clay County Courthouse or the Juvenile Justice Center by members of the public shall be in place for the duration of Operating Phase Three:

1. Social distancing separation of at least six feet from others shall be practiced to the greatest extent possible by all members of the public seeking entry into either the Clay County Courthouse or the Juvenile Justice Center, and shall be maintained at all times within either building;
2. The jury assembly area, the attorney lounge, and the law library shall be opened, provided that social distancing measures are maintained; and
3. The clerk's breakroom shall be open without restriction, provided that social distancing measures are maintained.

B. Courtroom Proceedings -

1. Courtroom Occupancy – Limitations regarding number of persons that may be present within the courtroom at any given time are lifted, provided however, that social distancing measures are maintained;
2. Grand and Petit Juries: Grand Jury proceedings and jury trials may resume in accordance with Missouri Supreme Court guidelines issued June 5, 2020;
3. Any attorney or any pro se litigant particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, shall be granted permission to remotely participate, either by phone or by video conferencing methods, in any court proceeding if that person chooses to do so;
4. Likewise, any participant in any type of litigation, including any witness, victim, law enforcement officer, or party (excluding any criminal case defendant who is currently in warrant status) who is particularly susceptible to serious complications as a result of infection by the COVID-19 virus, including those who are 65 years of age or older, who are pregnant, or who have a chronic underlying health condition such as heart or lung disease, diabetes, or any type of immune system disorder, may request permission to remotely participate in said litigation, either by phone or by video conferencing methods, in any court proceeding.

SO ORDERED this 31st day of July, 2020,



SHANE T. ALEXANDER
Presiding Judge