

**IN THE ELEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI
ADMINISTRATIVE ORDER NO. 2020-012**

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

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 March 22, 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.

NOW THEREFORE, IT IS HEREBY ORDERED:

Effective Tuesday, March 24, 2020 and continuing through Friday, April 17, 2020, the 11th Judicial Circuit, St. Charles County Circuit Court, including all municipal divisions thereof, will remain open with the following modifications to its operations:

Pursuant to the Order of the Missouri Supreme Court dated March 22, 2020 all in-person proceedings in all associate and circuit divisions, including family, juvenile, municipal, probate and specialty courts are suspended through April 17, 2020 and may be extended by order of the

Presiding Judge as circumstances may warrant. The suspension of in-person proceedings is 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 pursuant to Chapter 455 RSMo 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 related to time-sensitive matters, and;
- Other exceptions approved by the Chief Justice of the Missouri Supreme Court.

The Presiding Judge shall determine the manner in which the above in-person exceptions are to be conducted. Any proceedings conducted in-person pursuant to the above exceptions 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. **The Judge presiding over the hearing shall make all efforts to conduct the hearing using alternative means to in-person proceedings.** The attendance at such in-person hearings shall not exceed ten (10) persons without the permission of the Presiding Judge. The Judge presiding over such proceedings has the discretion to exercise his or her discretion in excusing jurors or other individuals that cannot or should not appear as a result of risks associated with COVID-19.

Although in-person hearings or conferences may be conducted for the above listed proceedings, for the safety of the community, staff and litigants it is strongly encouraged and recommended that, to the maximum extent possible, the above listed proceedings, hearings or conferences be conducted by telephone, polycom, videoconferencing, Zoom or any other method that does not require the physical presence of persons in Court Buildings.

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 April 17, 2020. All jury trials scheduled through April 17, 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. 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, Zoom 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. All criminal cases where the defendant is not in custody shall be postponed and rescheduled;
4. 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 Circuit and Associate Circuit civil dockets, traffic dockets, municipal court dockets and treatment court and specialty court dockets shall be postponed and rescheduled after April 17, 2020. The Judges of those Court divisions shall collaborate with one another and the Circuit Clerk to devise a plan to reduce staff needs and Judges during this period of time.

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 scheduled through April 17, 2020 will be continued and rescheduled. All Ex Parte Orders of Protection currently in effect are hereby extended for good cause shown by operation of this Administrative Order until the new hearing date;

3. Regarding hearings scheduled in the Juvenile Division of the St. Charles County Family Court, all detention hearings and protective custody hearings will proceed as scheduled but shall be by videoconferencing or telephone conference only. Hearings for juveniles held in judicial custody within the St. Charles County Juvenile Detention Center shall be held. All other hearings in abuse and neglect, delinquency cases and termination of parental rights cases shall be continued after April 17, 2020. Nothing in this order prevents the Juvenile Court from conducting hearings by videoconference or telephone conference at any time. The Presiding Judge will execute a separate Administrative Order governing the operations of the Juvenile Division during this time period.

4. Probate cases involving 96-hour and 21-day mental health involuntary detentions and emergency guardianships will be heard as scheduled;

5. 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;

6. Unless otherwise indicated above, all hearings on criminal, civil, domestic, juvenile and probate cases will be postponed and rescheduled unless the case meets one of the above exceptions pursuant to the Order of the Missouri Supreme Court of March 22, 2020 and this Administrative Order. For the safety of all personnel Judges are strongly encouraged to conduct such hearings via videoconferencing, telephone, Zoom 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 and limit any courtroom attendance to ten (10) or fewer persons and maintain appropriate social distancing of at least six (6) feet if at all possible.

7. 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;

8. The Adult Abuse Office will continue its normal operations pursuant to accepting applications for ex parte orders of protection;

9. 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;

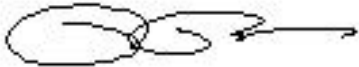
10. All areas of the Courts will be closed to the public who do not have a scheduled hearing before the Court;

11. 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 2020-006 and 2020-007, and the recommendations of the CDC and the St. Charles County Department of Health;

12. All nonessential court-related travel for staff and judicial officers is canceled through April 17, 2020;

13. The Circuit Clerk shall implement a reduced staff policy through April 17, 2020. Each department shall use their best efforts to reduce the workforce by fifty percent (50%) or more and work on a rotation basis at the discretion of the Circuit Clerk. Clerks who are required to stay and/or work from home will be entitled to administrative leave pursuant to Administrative Order 2020-008.

SO ORDERED:



DANIEL G. PELIKAN
PRESIDING JUDGE

DATED: March 24, 2020