

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

Administrative Order No. 20-09

RE: Resuming Court Operations: A Phased Approach

This order complements actions to mitigate local or statewide outbreak of the COVID-19 disease. This order supersedes any district court orders or prior Administrative Orders of this court conflicting with this order.

In consultation with the Chief Justice and other members of the Kansas Supreme Court, it has been determined the following actions are necessary to secure the health and safety of court users, staff and judicial officers while keeping the courts operating. On May 1, 2020, the Supreme Court of Kansas issued Orders 2020-PR-044, 2020-PR-045, 2020-PR-046, 2020-PR-047, 2020-PR-048, and 2020-PR-049. All six orders relate to the finding of Chief Justice Luckert that “in-person judicial proceedings continue to pose a threat to the health and safety of court users, staff, and judicial officers.”

Order 2020-PR-045 authorizes the district court to conduct all hearings within its jurisdiction through two-way telephonic or electronic audio-visual communication, referred to herein as “remote proceedings”. The Order states “Judges and litigants are encouraged to use remote proceedings whenever possible and especially when any party, witness, attorney, or other participant expresses health concerns.”

Order 2020-PR-046 suspends deadlines and time limitations for bringing a criminal defendant to trial under K.S.A. 2019 Supp. 22-3402.

Order 2020-PR-047 authorizes district court judges and hearing officers to “exempt a case from the suspension of a statutory or other deadline”. The Order also requires that no “action shall be dismissed for lack of prosecution or for the failure to meet a deadline, except when a court invokes an exception to the suspension of a deadline and has issued an order to show cause.

Order 2020-PR-048 applies to courts operating under no local stay-home order by county or city commissions or not closed to the public for public health reasons. Order 2020-PR-048 also applies if safety protocols delineated in that order for persons within the physical location of court-related activities can reasonably be met, as determined by the Chief Judge in collaboration with, and as advised by, the head of the local health department. Order 2020-PR-048 does not currently apply to the 10th Judicial District.

Order 2020-PR-049 is immediately applicable to this Court. As such, we shall continue to operate exclusively through remote proceedings. Order 2020-PR-049 expressly prohibits this Court from conducting any nonessential hearing in-person. All remote proceedings must comply with Order 2020-PR-045. After being advised by the head of the local public health office, and keeping in mind the safety requirements set forth in Order 2020-PR-48, the following is ordered:

Four Phase Approach following Orders 2020-PR-048 and 2020-PR-049		
Current Status	Effective the date of this Order.	All proceedings shall occur via remote proceedings as provided in 2020-PR-045.
Order 2020-PR-049		In-person counter service and probation office remain closed. Telework mandatory unless otherwise exempted by the Appointing Authority.

Four Phase Approach following Orders 2020-PR-048 and 2020-PR-049

<p>Phase 1 Order 2020- PR-048</p>	<p>Shall begin no earlier than May 25, 2020 and after the Johnson County stay-at-home order is lifted and the local health official indicates we have met the 14-day downward trajectory of new COVID-19 cases as “gating criteria.”</p>	<p>Remote proceedings mandatory for all hearings. In-person counter service and probation office remain closed. Telework preferred and strict social distancing enforced.</p>
<p>Phase 2 Order 2020- PR-048</p>	<p>Shall begin no earlier than June 8, 2020 and after the local health official indicates we have met the 14-day downward trajectory gating criteria and community gatherings of up-to thirty are allowed.</p>	<p>Remote proceedings preferred per 2020-PR-045. In-person court proceedings and in-person services resume with such restrictions as advised by local health officials, including social distancing and no more than 10 people. Individual users with appointments permitted in the courthouse. Court employees begin returning to work as advised by local health officials. Telework encouraged.</p>
<p>Phase 3 Order 2020- PR-048</p>	<p>Shall begin no earlier than June 22, 2020 and after the local health official indicates we have met the 14-day downward trajectory gating criteria and community gatherings of up-to ninety are allowed.</p>	<p>Remote proceedings preferred per 2020-PR-045. In-person large dockets and jury selection may resume through the use of group scheduling, with such restrictions as advised by local health officials, including social distancing and group size limited to 30 people. Court employees establish in-person and telework schedules.</p>
<p>Phase 4 Order 2020- PR-048</p>	<p>Shall begin no earlier than July 6, 2020 and after the local health official indicates we have met the 14-day downward trajectory gating criteria and all government agencies and community businesses are allowed to operate without restriction in the greater Kansas City Metro area.</p>	<p>Remote proceedings preferred per 2020-PR-045. Court operations are authorized at pre-pandemic levels for number of occupants and employees in the courthouse. Court employees continue in-person and telework schedules as established in Phase 3.</p>

1. General Procedures Current Phase:

- a. All judges in the 10th Judicial District will coordinate operations for all possible cases through remote proceedings. Those hearings may occur without delay upon consultation with counsel and self-represented litigants. Large dockets may resume with the use of remote communication.
- b. In-person proceedings may occur only after attempting remote communication. In the event of an in-person hearing, the judge shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19. The presiding judge must ensure that all participants in the proceeding maintain at least a 6-foot social distance from each other at all times.

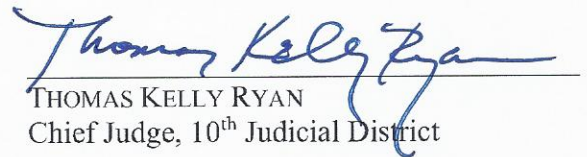
- c. The Johnson County Courthouse will continue to remain open to a limited degree until further order of the Court. Public access to court facilities is limited to litigants or court participants after attempting remote communication with the Court. Spectators and family members who are not court participants may not attend proceedings until emergency conditions pass. Spectators may view hearings streamed live where applicable. The Court shall post links to live stream channels on courts.jocogov.org.
 - d. Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19, or any person who has knowingly been in contact with another person who is suffering from the effects of the COVID-19 virus, is prohibited from entering any court facility. Sheriff Deputies are hereby granted the authority to screen and remove persons from courtrooms, courthouses, or court facilities in accordance with this Administrative Order.
 - e. Any person, regardless of status, shall wear a face-covering in all public areas of the courthouse. Employees shall wear face-coverings while working in shared offices.
2. The court will hear, as necessary, critical proceedings related to the state of emergency or the public health emergency, as provided in Administrative Order 20-07.
 3. Traffic cases shall resume via remote proceeding until further order of this Court.
 4. Youth Court proceedings may resume via remote proceeding until further order of this Court.
 5. Code violation hearings may resume via remote proceeding until further order of this Court.
 6. Foreclosures sales may resume only where the Sheriff ensures that all participants in the proceeding maintain at least a 6-foot "social distance" from each other at all times.
 7. Service of process by the Johnson County Sheriff in-nonemergency cases may resume after the Johnson County stay home order expires and the Sheriff determines service may be performed in a manner to protect the health of officers and those served.
 8. Eviction and mortgage foreclosure proceedings may resume via remote proceeding until further order of this Court. Local Rule 34 proceedings may occur by remote proceeding only with proper notice to all parties.
 9. Mediations conducted by court personnel may resume via remote proceeding until further order of this Court.
 10. Domestic:
 - a. The Johnson County domestic court services Supervised Visitation Program and Supervised Exchange Program remain closed until further order of this Court. Parents previously participating in the court ordered Supervised Exchange Program shall still exchange their children in another safe manner, such as: alternate agreed exchange supervisors, safe public place exchanges, "curbside" exchanges where one parent remains in the house and one parent remains in the car, or the use of online check-in tools. The alternate arrangements should be confirmed in writing if possible.
 - b. Supervised in-person parenting time or exchange services by professional third-party providers may resume after the Johnson County stay home order expires and where social distancing, and all other best practices as prescribed by the CDC, KDHE and the Local Health Officer are maintained.

- c. This order does not affect parenting plans that do not require supervised parenting time or supervised exchanges. Those parenting plans and parenting time orders remain in full force and effect.
11. Those who have been directed to report on probation or for interviews with Court Services Officers are directed to report by telephone, remote proceeding or e-mail.
 12. Autogenerated bond conditions at defendant's release from custody by the Johnson County Sheriff, do not include the 24-hour reporting requirement to Court Services. Individuals assigned to pre-trial services shall provide to Court Services, a valid contact phone number and email, within 24-hours of release. Court Services officers will contact the defendant on pre-trial.
 13. This Order shall be effective immediately and shall remain in effect until further order of this Court or the Kansas Supreme Court.

The Court will provide updates regarding phase level changes and progress through www.courts.jocogov.org, listserv distribution, and other social and broadcast media.

Individual divisions of the Court may be on a slower schedule for re-opening phases and restoration to full pre-pandemic response levels of service; and will not occur sooner than this Order allows.

IT IS SO ORDERED, this 6th day of May 2020.


THOMAS KELLY RYAN
Chief Judge, 10th Judicial District

Original:
Clerk of the District Court

Copies:
All Judges
Katherine Stocks, Court Administrator
Office of the District Attorney
Office of the Public Defender
Johnson County Bar Association
JoCo Courts Listserv