

RE: Mandatory Use of Face Coverings In Courthouse and Court Services During COVID-19 Pandemic

This Court finds a compelling state interest during COVID-19 pandemic in protecting courts employees from a highly contagious and deadly disease that can be easily spread by non-masked asymptomatic individuals to others nearby when speaking, coughing or sneezing. A COVID-19 outbreak in a courthouse would affect the continuance of court functions and the ability to keep the courthouse physically open to the public.

Sup. Ct. Rule 107(b)(1) provides that the Chief Judge is responsible for, and has supervisory authority over, the court's clerical and administrative functions.

Due to COVID-19, this Court has regularly consulted with the local health officer and local health department to determine how to phase in a return to in-person hearings given the local risk and court facilities.

Pursuant to Kansas Supreme Court Order 2020-PR-054, this Court has developed a plan with the local health official for appropriate screening of those entering any courtroom or court office. This Court has also determined how to comply with all requirements for assisting personal protective equipment for all court staff and court participants—including face coverings.

On June 8, 2020, this Court published public fact sheets regarding the screening process and expectations for court users to return to in-person hearings and court operations. The fact sheets stated:

All court participants entering the courthouse shall wear a face covering while in public hallways, court spaces and courtrooms. A judge may request the removal of a face covering during a hearing.

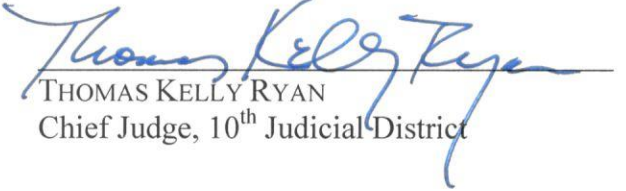
The public is encouraged to bring your own face coverings to enter the courthouse. Disposable face masks may be available at security screening.

The CDC Provides guidance how to use and make cloth face coverings¹. The CDC finds the following individuals should not wear cloth face coverings: “children under age 2, or anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the mask without assistance.”

Therefore, this Court finds that all individuals shall wear a face covering while in public hallways, courtrooms, and court spaces. Court spaces include and are not limited to: service counters, records viewing areas, interview rooms, meeting rooms, court administration, the clerk's office, the help center, probation intake, and the law library. Anyone unable to wear a face covering while in a court facility shall contact the court to conduct business remotely. Contact information is available at http://courts.jocogov.org/dc_Phone.aspx.

¹ General Cloth Face Covering Information is available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html> . ASL videos are available at <https://www.youtube.com/watch?v=t9cnxxsEKpk&list=PLvvp9iOILTQatwnqm61jqFrfsUB4RKh6J&index=2&t=0s>. In Spanish <https://www.youtube.com/watch?v=Yd19TbgVPAU&list=PLvvp9iOILTQZdKZTcAaYdyu4wKmhGCJNc&index=6&t=0s> (last visited June 15, 2020).

IT IS SO ORDERED, this 16th day of June 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
Johnson County Sheriff