

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 21-04

**ORDER REVISING COVID PROTECTION PROTOCOLS
FOR THE 10TH JUDICIAL DISTRICT**

The District Court in Johnson County, Kansas, has operated under several Administrative Orders and transition plans since March 2020 to address the COVID-19 pandemic. This Order replaces all previous Administrative Orders, transition plans and other related protocols issued by Chief Judge Thomas Kelly Ryan to continue the operations of this Court during this extended public health crisis.

The Kansas Supreme Court issued Administrative Order 2021-PR-048 on May 24, 2021 requiring all district and appellate courts in Kansas to develop and follow minimum standard health protocols to avoid exposing court users, staff and judicial officers to COVID-19. Each court is directed to implement a COVID-19 screening and communication protocol, while continuing to utilize precautionary measures as necessary so as not to undermine public confidence in the courts and damage the integrity of trial by jury, which is a cornerstone of our justice system.

These health and operations protocols must include directives for determination of the need and usage of physical distancing and masking deemed necessary based on local health conditions. To that end, the Pandemic Response Team has established regular consultation with the county medical director, Dr. Joseph Le Master, together with staff from the Johnson County Health Department, since March 2020 and which continues to this time.

In view of the advice and recommendations from these local public health officials, together with consideration for local and national guidance from public health and welfare experts, the Tenth Judicial District issues the following orders, **effective on June 1, 2021**.

1. Following the guidance of the Centers for Disease Control and Prevention issued on May 13, 2021, all individuals, including employees of the Judicial Branch, who are fully vaccinated are no longer required to wear masks or other face coverings (**except as otherwise delineated in this Order**) except where required by federal, state, local, tribal or territorial laws, rules and regulations, including local business and workplace guidance. These fully vaccinated individuals must continue to maintain adequate physical distancing with other persons. Any fully vaccinated individual who wishes to wear a mask for personal or health reasons is encouraged to continue doing so.

“Fully vaccinated” means two weeks after a person receives the second dose in a two-dose series of the Pfizer-BioNTech or Moderna vaccine or two weeks after an individual receives a single dose of the Johnson & Johnson vaccine.

2. All individuals, including employees of the Judicial Branch, who are not fully vaccinated, for any reason, shall continue to wear a mask or other face covering and maintain adequate physical distance (at least 6 feet) for their own safety and for the health and safety of the general public with whom they come into contact.

“Physical distancing” means keeping a specified distance (6 feet) between yourself and other people who are not members of your household. In setting the specified distance, the court utilizes the distance specified by the person responsible for developing minimum standard health protocols after consultation with the local medical director and Johnson County Health Department.

3. The following people are exempt from the requirement to wear a mask or other face covering:
 - a. Persons aged five years or younger. Children aged two years and under in particular should not wear a face covering due to risk of suffocation.
 - b. Persons with a medical condition, mental health condition or disability that prevents wearing a face covering. This exemption includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated or otherwise unable to remove a face covering without assistance.
 - c. Persons who are deaf or hard of hearing or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
4. Pursuant to 2021-PR-048, a *Visitor Alert* notice shall remain posted at all entrances to the courthouse, courtrooms and court offices. Self-screening questions must be answered by all Judicial Branch employees and members of the public entering a courtroom or court office.
5. In all jury trial proceedings, including juror gathering and jury selection, all persons (**regardless of being fully vaccinated or not fully vaccinated**) will be required to wear a mask in order to maintain the safety and public health considerations for all persons required to gather in the congregate setting necessitated by jury proceedings. Once the jury is selected and seated to hear a case, the presiding judge may authorize a waiver of the requirement to wear a mask or other face covering within the courtroom or other hearing room. Judges are encouraged to require masks or other face coverings in all other non-jury proceedings and especially when individuals are moving within the courtroom. Absent constitutional concerns, judges should permit individuals to wear masks or other face coverings if they are more comfortable doing so.

6. The Court will continue to operate under the current plan for conducting jury trials (Version 2, January 2021, which can be found on the District Court website at: [Conducting Jury Trials 10th Judicial District.pdf \(jocogov.org\)](#)) until further modifications are adopted in light of experience to be learned in the resumption of regular jury trials schedules, beginning June 7, 2021.
7. The courtrooms and hearing rooms in the Johnson County Courthouse shall continue to utilize Plexiglas barriers between persons who are not members of the same family or household. In particular, the barriers will continue to be used for all jury trials until further notice.
8. All judges should continue expanding the use of remote hearings as much as possible to reduce any backlog, and to dispose of new cases efficiently and safely. All courts continue to schedule hearings with a “video first” process, while granting requests for in-person hearings when a legitimate basis and need for such hearings in the physical courtroom are clearly identified by a requesting party. Any objections to attending or participating in a court hearing held in the courtroom shall be considered by the presiding judge on an individual basis. Upon request and good cause shown by a court participant (party, attorney, witness, other persons required to attend such hearing), a court must permit that participant to participate in such proceeding remotely. When good cause is shown to the presiding judge, and remote participation is not possible, absent constitutional or statutory concerns, the presiding judge should consider postponing their required presence in the physical courtroom.
9. The twenty-three divisions of the District Court, together with the three hearing officers, will continue to coordinate the setting of hearings and trials in the courthouse in order to minimize the foot traffic in the hallways, conference rooms and courtrooms. Such precautions have extended to the coordination of jury trial schedules and court hearings to allow for proper space availability on each floor of courtrooms and throughout the public and secure spaces of the courthouse.
10. Starting June 1, 2021, in-person hearings will be conducted in the assigned judge’s courtroom as determined by the presiding judge, with considerations for scheduling amongst other divisions on the same floor in order to minimize or control the number of persons moving throughout the courthouse.
11. The criminal department (4th floor) will conduct selected preliminary hearings, motions hearings and jury trials in the assigned judge’s courtroom on the fourth floor. Certain jury trial proceedings which necessitate larger groups of individuals reporting as potential jurors and/or involve more-than-ordinary numbers of witnesses for higher-level felony cases, will also continue to utilize the larger courtrooms on the second floor (courtrooms 2C and 2D).

12. The civil divisions (6th floor) continue to conduct all proceedings, except jury trials, by remote video conferencing. Beginning June 1, 2021, limited in-person hearings will be held on the sixth floor for extraordinary cases that cannot be completed by video. Since all matters have been held remotely since March 2020, the extraordinary case requiring in-person hearing will be rare. The civil department will also be coordinating with each division, as well as Division M-3 hearing domestic violence cases, through a master calendar for those courtrooms on this floor to avoid increasing traffic on the floor, in the elevators and in the courthouse generally. In September 2021, the civil judges will start scheduled jury trials on the sixth floor, with the understanding that those civil cases set for trial may be preempted by a criminal jury trial, which a civil judge may hear to assist in alleviating the backlog of criminal cases in the district. The civil judges will also make themselves available to preside over shorter criminal jury trials during non-civil jury weeks.
13. Child in Need of Care termination trials (Divisions 10 and 5) will be held in person on the fifth floor of the courthouse, beginning June 1, 2021, in compliance with Administrative Order 2021-PR-048. All other hearings will continue to be conducted remotely by Zoom video, absent a good cause finding by the presiding judge that a remote video hearing cannot be conducted.
14. All non-evidentiary hearings in Juvenile cases in Divisions 13 and M-1 (5th floor) will continue to be conducted remotely on Zoom. Any party who requests the presiding judge to conduct a non-evidentiary hearing in person will be required to make a specific request, stating the specific reason(s) an in-person hearing is necessary. All in-person hearings will be heard in the assigned judge's courtroom unless otherwise specified.
15. The divisions of the Family Court department (7th floor) continue to hear all cases remotely by Zoom unless specifically authorized by the presiding judge for good cause shown. If parties or counsel believe special circumstances exist to compel an in-person hearing, a motion should be filed. This request can be made at the final pretrial conference. The child support hearing officers (1st floor) and Family Court judges plan for a phased return to in-person hearings sometime this Fall. The hearing officers may start contempt and bench warrant hearings at an earlier date and will notify the Family Court judges and members of the Bar.
16. Division M-2 (2nd floor) will hear all protection from abuse and protection from stalking cases in person beginning June 3, 2021. Only parties and their attorney will be allowed in the courtroom. Witnesses and support persons are required to remain in the lobby until their presence is needed.
17. Traffic trials in Division M-2 (2nd floor) will resume on June 10, 2021. Tuesday afternoon attorney plea settings will resume on June 29, 2021. Wednesday afternoon motions hearings will resume on June 30, 2021. Defendants will be required to attend trials,

motions and sentencings. Defendants will NOT be required to appear unless ordered by the court, an appearance bond or to enter a plea or be sentenced.

18. Limited actions and criminal 1st/2nd appearances in Division M-4 (2nd floor) will continue to be conducted remotely by Zoom until future notice.
19. The Clerk of the District Court office is open to the public, including the Self-Help Center. The clerk's office has the glass front at the customer counters and the Self-Help Center limits the number of people in the large spaces available so that the general mask requirements (no mask if vaccinated) will be in effect in those areas.
20. The Law Library is also limited in the number of people who can come into the areas and the general mask requirements are in effect there.
21. Room 1500 (U/A testing) on the 1st floor is open to the public. Individuals required to provide samples will be admitted into the space beyond the public entrance and will be required to wear masks or face coverings while in contact with staff members.
22. Court Services (588 East Santa Fe) resumes in-person services, as limited below, on June 1, 2021. All staff and individuals coming into the offices shall be required to wear masks or face coverings. Physical distancing will also be maintained. All group reporting sessions shall be limited to 10 clients per session. Supervised Visitation and Supervised Exchange programs will resume once a detailed plan is approved by the Chief CSO and the courts. Family assessment for domestic cases can resume with home visits if all individuals in the home wear masks.

The Judicial Branch for the Tenth Judicial District appreciates the continued support of the all those individuals whom we serve. The past 15 months have been challenging for everyone. We will continue to strive for excellence in serving our community and serving the interests of justice in Johnson County.

Be safe.

BY ORDER OF THE COURT this 28th day of May, 2021.

/s/ Thomas Kelly Ryan
Thomas Kelly Ryan
Chief Judge, Tenth Judicial District