

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS

Administrative Order No. 2020-18

RE: Restrictions to Mitigate COVID-19 Spread

This order complements actions to mitigate local or statewide outbreak of the COVID-19 disease, including, but not limited to the Lyon County, Kansas Emergency Public Health Order issued March 26, 2020. This order supersedes any portion of district court orders or prior orders of this court conflicting with this order.

The purpose of this administrative order is to ensure the 5th Judicial District has a viable capability to continue to meet the strategic goals for emergency preparedness established in the Kansas Courts during a pandemic. The Court is committed to:

Address the crises in a way that **protects the health and safety of everyone** at court facilities; and **keep the courts operational** to ensure justice for the people; and support the operations of other public entities impacted by the pandemic.

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 operational. The March 19, 2020 Supreme Court Order, 2020-PR-016 grants broad authority for the Chief Judge of each judicial district to keep the courts operational while protecting the health and safety of the public.

Supreme Court Order 2020-PR-016 requires, to the extent feasible, any emergency operation to be conducted by two-way electronic audio-visual communication (“remote proceeding”). Such communication is authorized for any court proceeding outside of jury trials to the extent permitted by the United States and Kansas Constitutions and rules related to judicial conduct.

Supreme Court Order 2020-PR-016 continues all jury trials until further order of the Chief Justice. Questions concerning prospective scheduling of hearing or trial dates should be directed to the assigned judge.

Supreme Court Order 2020-PR-016 suspends all in-person services conducted by the Clerk and Court Services. No further in-person service will take place until further order of the Chief Justice.

House Substitute for Senate Bill No. 102, effective March 19, 2020 suspends all deadlines and time limitations to bring a defendant to trial established by K.S.A. 22-3402 and its amendments, until further order of the Chief Justice.

House Substitute for Senate Bill No. 102, effective March 19, 2020, suspends all statutes of limitations and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings until further order. During the effective dates of this Order, no action shall be dismissed for lack of prosecution, or default.

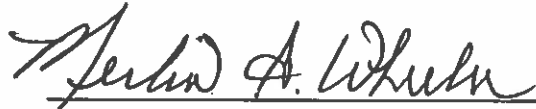
1. General Procedures:

- a. Throughout this emergency, all judges in the 5th Judicial District will conduct operations only for emergency cases as designated by the Supreme Court, and to the extent possible through remote proceedings.
 - b. In the event of an in-person hearing, the judge shall enforce social distancing in order to minimize potential exposure to COVID-19. The presiding shall ensure that all participants in the proceeding maintain at least a 6-foot “social distance” from each other at all times.
 - c. Access to court facilities is limited to litigants or court participants for emergency hearings only. Spectators and family members who are not court participants may not attend proceedings until emergency conditions pass.
 - 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. Court Security, Court, and County staff are hereby granted the authority to screen and remove persons from courtrooms, the courthouse, or court facilities in accordance with this Order.
 - e. The Court’s capability to provide public access to courtroom proceedings is extremely limited and non-parties should not expect access changes to be made in the foreseeable future.
2. Emergency operations for the district court includes but are not limited to those hearings as provided in Supreme Court Orders 2020-PR-016 and 2020-PR-2024.
3. The court will hear, as necessary, critical proceedings related to the state of emergency or the public health emergency, including but not limited to:
- a. Writs of *habeas corpus* for quarantine or isolation
 - b. Violations of quarantine or isolation
 - c. Violation of orders to limit travel
 - d. Violation of orders to close public or private buildings
 - e. Enforcement of curfew orders
4. All non-emergency cases are suspended until further order of this Court.
5. All Home and Drug Court proceedings and Probation Review Dockets are suspended until further order of this Court.
6. All other dockets are suspended until further order of this Court.
7. All scheduled foreclosure sales are hereby cancelled until further order of this Court.
8. All garnishment writs and post-judgment enforcement proceedings are suspended until further order of this Court.
9. All eviction proceedings are hereby suspended until further order of this Court.
10. All mediations are canceled unless conducted as a remote proceeding.
11. All in-person supervised visitation or exchange in any family case previously court-ordered to be conducted by a third-party provider is suspended until further order of

this Court. Exchanges shall still occur without regard for the suspension of supervised exchange programming. Exchanges are to occur in another safe manner, such as: alternate agreed exchange supervisors, safe public place exchanges, curbside exchanges, or the use of online check-in tools. This Order does not affect any other parenting plans.

12. The Lyon and Chase County Sheriffs are hereby authorized to stay the execution of all non-emergency civil orders until further notice. Service of non-emergency orders, subpoenas, writs, summons and notices is suspended until further order.
13. Essential personnel shall report as directed.
14. All personnel may work remotely as possible and reasonable.
15. No marriage licenses will be issued by the Clerk until further order of this Court.
16. Those who have been directed to report on probation or for interviews with Court Services Officers are directed to report by telephone or e-mail only.
17. This Order shall be effective immediately and shall remain in effect until further order of this Court or the Kansas Supreme Court.

IT IS SO ORDERED, this 25th day of March 2020.



MERLIN G. WHEELER
Chief Judge, 5th Judicial District