IN THE FIFTH JUDICIAL DISTRICT
LYON AND CHASE COUNTIES, KANSAS
ADMINISTRATIVE ORDER NO. 2020-21

WHEREAS, the Kansas Supreme Court has issued multiple Administrative Orders relating to District Court operations, including, but not limited to SCAO's 2020-PR-48, 49, 54, 62 and 76; and,

WHEREAS, these Orders require the Chief Judge of each district to, *inter alia*: 1. Consult with the head of the local health department to determine how to phase in a return to in-person hearings and public access to the court system given local risk and the courthouse facilities in the district; 2. Assure compliance with any engineering or other suggestions made by the public health official as to work and courtroom spaces; 3. Develop a plan with the local health official for appropriate screening of those entering any courtroom or court office; 4. Determine how to comply with all requirements for assuring personal protective equipment is available for all court staff and court participants; 5. Triage the court docket weighing health risks versus the need for a hearing and determining whether in-person hearings are necessary; 6. Direct all orders for hearings include or be accompanied by information advising of screening to determine high risk individuals and that persons having certain conditions may be refused entry to court facilities or should not appear; and 7. Provide high-risk individuals with a means of contact with the courts to re-schedule or continue hearings; and,

WHEREAS, the undersigned Chief Judge of the 5th Judicial District has consulted with the local public health officer on multiple occasions and determined the following guidelines for re-opening court facilities to the public should be entered; and,

WHEREAS, prior to the issuance of the described Supreme Court Administrative Orders, the undersigned had previously issued Administrative Orders now deemed to either be in conflict with SCAO's, this Administrative order or no longer necessary;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. For the purposes of this Order, the term court facility shall include all courtrooms, offices of the judges and staff, Offices of the Clerk of District Court, Jury Assembly Room, Court Services Office, Law Library, waiting areas and adjacent hallways in the Courthouses of both Lyon and Chase Counties.
2. Screening stations utilizing the ProxyClick system (as utilized in the Kansas Judicial Center) shall be established in the Lobby of the Lyon County Courthouse and on the second floor of the Chase County Courthouse. Appropriate signage shall direct all staff, including judges, attorneys, parties, witnesses, observers, or other persons seeking access to a court facility to first complete the screening process and obtain and display on their person the badge (name tag) for the duration of each day's presence in a court facility. Screening needs to be accomplished only one time per day.
3. Screening shall consist of questions consistent with all COVID-19 safety directives of the Office of Judicial Administration, applicable guidance or orders from Lyon or Chase County public health officials, orders of the Kansas Governor, applicable guidelines of the Occupational Safety and Health Administration, and guidelines from the Kansas Department of Health and Environment. In the event of a conflict of recommendations, the screening will follow the most restrictive provisions. Screening shall also consist of an affirmative representation that a person's temperature is not at or above 100.4 degrees F. All court staff, including judges, shall also, as soon as possible following the ProxyClick screening, have their temperature taken by a representative of each office to verify compliance with the screening protocols. All Lyon County Security personnel and court staff members are also authorized to

request any non-Court person to voluntarily submit to taking a temporal temperature or thermal scan for fever. Any non-Court person refusing to submit shall be denied admission and subject to removal as though that person failed initial screening.

4. In the event that a person refuses to complete screening, fails to display the current badge (name tag), or fails the screening process, the person will be denied admission to any court facility. The name, date, contact information and case number (if known) of any person denied admission to any court facility shall be provided to the Court Administrator. Any person denied admission shall be provided a phone number or email address where the individual may seek assistance in rescheduling or otherwise completing court business.
5. Security personnel located within the Lyon County Courthouse or any law enforcement officer of the Emporia Police Department, Lyon or Chase County Sheriffs' Departments, Kansas Bureau of Investigation, or Kansas Highway Patrol are authorized upon request of any judge or court staff member to remove any person subject to denial of admission as set out in item 4 above.
6. Any court staff person failing the screening protocol shall immediately go to a location not occupied by any other person or staff member, wear a mask or facial covering, and contact their immediate supervisor and any appointing authority by electronic means and await further instructions.
7. Any surface area touched by any person who is denied admission or any staff member who fails the screening protocol shall be cleaned immediately.
8. The offices of the Clerk of the District Court of Lyon and Chase Counties shall be open to the public from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. subject to the provisions of this Order. Clerks' offices shall admit only one person at a time. Visitors who have children or other family with them may be admitted as one unit; however, visitors are encouraged to not bring individuals who are not needed for the court visit or process. Individuals not admitted will wait in the adjacent halls, maintaining appropriate social distancing at all times. In the event sufficient waiting area does not exist, persons waiting may return to their vehicles and request a telephone call or text indicating that waiting room exists or they may be admitted.
9. Persons seeking admission to a court facility shall wear facial coverings or masks at all times required by statewide emergency declarations, local requirements or presiding judges; one will be provided if needed. Judges shall have authority to require wearing of facial coverings or masks if deemed appropriate.
10. Visitors admitted to court facilities must follow all signs and instructions regarding social distancing and/or wearing of facial coverings which may be posted in courtrooms, offices, elevators, hallways and lobbies.
11. In all non-courtroom areas, all employees and judges shall wear facial coverings of nose and mouth when unable to maintain a minimum social distance of six feet. Employees and judges that have direct contact with the public that are not otherwise protected by a shield or barrier or are engaged in the cleaning of surfaces shall use appropriate PPE while engaged in the performance of their duties.
12. All hearings, trials or other court activities may resume, subject to the provisions of this order. To the extent possible as determined by the presiding judge, all court proceedings shall continue to be conducted by the use of remote audio/visual technology. The Zoom platform/application is currently designated for use, but other platforms/applications may be utilized by the Court as needed. Remote hearings in non-confidential cases shall be live-streamed using YouTube until such time as court proceedings are fully open to the public and public attendance is not substantially limited by social distancing or other requirements. Counsel and self-represented litigants are responsible to ensure that the necessary application is downloaded on any device intended for use for a remote hearing and to have tested use in advance of any hearing.
13. Judges shall comply with all attendance limitations imposed by Kansas Supreme Court

Administrative Orders.

14. Invitations to remote hearings shall be sent to counsel and self-represented litigants (to the extent an email address is known). Clerks and Administrative Assistants are to attempt to obtain email addresses from self-represented litigants upon filing of any pleadings, motions, etc. Counsel and self-represented parties are responsible for providing notice of the meeting ID and passcode to clients, witnesses, DCF staff, CASA volunteers, St. Francis Ministries staff, or any other person or entity necessary to conduct the hearing or trial. Counsel and self-represented parties should not contact the court, its clerks, or administrative assistants to determine if invitations to remote hearings have been sent more than 24 hours in advance of each hearing. Upon sharing of meeting ID's and passcodes, counsel and self-represented litigants are to immediately notify the court of the person receiving the same. Persons receiving invitations shall not share or communicate meeting ID's or passcodes to any other person except as permitted by this order unless permission from the Court is obtained in advance. Meeting ID's and passcodes shall not be shared with family, observers, non-parties, or other individuals not directly involved in a proceeding.
15. In-person court proceedings may be conducted by a judge subject to the following rules:
    a. Judges shall have the authority to direct that every person in a courtroom wear facial coverings or masks during court proceedings. Participants are encouraged to bring their own facial coverings or masks, but if required and a covering is not available, the court shall make one available. Judges should consider the length of the exposure, ability to consistently adhere to spacing requirements, and the risks to the participants, court and court staff in determining if facial PPE will be required.
    b. Access to courtrooms for in-person proceedings is limited until further order of this Court. Public access to all court facilities, including courtrooms, is limited to litigants, counsel, witnesses subject to subpoena, and persons with constitutional or statutory right to attend. Spectators and family members who are not court participants may not attend proceedings until further Court order. Spectators or family members shall not wait in any hallway or waiting area. Spectators may view hearings streamed live where applicable. Links to live stream channels are to be listed on the Court's website at www.5thjd.org.
    c. Lecterns in each courtroom shall not be used unless necessary for use of the evidence display equipment housed therein and upon approval of the assigned judge.
    d. Every person shall observe social distancing requirements at all times.
    e. Every person should bring appropriate facial coverings for personal use. Facial coverings by any person including, but not limited to judges, staff, litigants, counsel, and witnesses, shall be worn at all times when social distancing requirements cannot be maintained. Each presiding judge shall have the explicit authority to require facial coverings for any or all hearings and persons as is deemed appropriate. Persons shall be expected to temporarily remove facial coverings as directed by the presiding judge.
    f. Notwithstanding whether a hearing/trial is in-person or conducted remotely, exhibits shall be pre-marked with electronic copies to be the preferred method of providing the same to the Court. In the event electronic copies cannot be utilized, hard copies of exhibits are to be provided to the Court not less than 72 hours in advance of the hearing/trial. All parties, counsel, and witnesses shall have their own copy of any exhibits. Exchanges of exhibits will not be generally permitted in the courtrooms.
    g. No person shall approach a witness without advance permission of the Court.
    h. Bench conferences will not be generally allowed. Counsel are expected to announce any objections without extended discourse or explanations unless requested by the Court.
    i. Disinfecting supplies are located at each counsel table; counsel are expected to utilize the same to disinfect any seating surface or other area touched by counsel or clients before and after each use. Persons entering courtrooms shall use the hand sanitizer located immediately inside each courtroom upon each entry.

j. Seating for all parties shall be moved back from counsel table and parties are not to touch any surfaces except the seat utilized except upon permission of the presiding judge to use the table. Counsel are permitted to utilize the table subject to the disinfecting requirement set out in paragraph 15.i. above.

k. Facial coverings may be worn by any person at any time desired, subject to the requirement of temporary removal for identification or if need arises to understand oral communications.

l. Until a protective barrier is installed between court reporters and the witness stand, in non-jury hearings, the witness will utilize a seat in the jury box as designated by the presiding judge.

m. Witnesses and other persons permitted seating in the gallery shall observe designated seating areas.

16. To the extent possible, Court Services officers (CSO's) and Community Corrections officers (ISO's) shall use audio/visual technology to conduct client visits and assessment tools. CSO's and ISO's may also use in-person visits as necessary to fulfill their duties, subject to maintenance of social distancing and contact limitations as directed by the respective Directors of Court Services or Community Corrections. Drug testing may resume as directed by the respective Directors using protocols approved by said Directors.
17. Individuals assigned to pre-trial services as a result of bond conditions shall provide to Community Corrections a valid residential address, contact phone number and email address within 24 hours of release. Pre-trial services officers shall contact the defendant on pre-trial following receipt of this information. Court staff shall endeavor to obtain this information and provide the same to the Pre-trial officer at first appearance.
18. No jury trials shall be scheduled and no potential jurors summoned until a specific procedure and protocols are established as necessary to ensure safety of jurors and other trial participants. A separate administrative order will be issued to address jury trials.
19. This administrative order shall become effective upon the date subscribed below and shall continue until otherwise modified by the Chief Judge of the Fifth Judicial District or mandated by applicable Administrative Orders issued by the Kansas Supreme Court.
20. Mediation services, Citizen Review Board hearings, and Marriage Ceremonies may be undertaken consistent with the provisions of this Order. Attendance at any marriage ceremony or adoption proceeding, if conducted in-person, shall continue to be limited to a maximum of 10 persons, including court personnel, counsel, parties or other participants.
21. Any provisions of Fifth Judicial District Administrative Orders Numbered 2020-13, 14, 15, 16 and 18 in conflict with the provisions of this Order are set aside; all other provisions not in conflict with this Order remain in full force and effect.

IT IS SO ORDERED this 2nd day of July, 2020.

Merlin G. Wheeler

MERLIN G. WHEELER
Chief Judge
Fifth Judicial District
Lyon and Chase Counties, Kansas

I, Renee Hively, Lyon County Health Officer, have reviewed this order and find it consistent with my directives and current applicable best and safe practices for opening the Courts of the Fifth Judicial District to the public.

Renee E. Hively Digitally signed by Renee E. Hively Date: 2020.07.02 12:09:12 -05'00'

Renee Hively, Lyon County Health Officer