

**IN THE TWENTY-SECOND JUDICIAL DISTRICT OF KANSAS**

**DONIPHAN, BROWN, MARSHALL, NEMAHA COUNTIES**

**ADMINISTRATIVE ORDER NO. 2021-1**

**District Court Operations as of June 1, 2021**

The Kansas Supreme Court issued Administrative Order 2021-PR-048 on May 24, 2021, requiring Kansas District Courts, including the 22nd Judicial District, to establish minimum standard health protocols to avoid exposing court users, staff and judicial officers to COVID-19 as the courts begin expanding in-person access to the public.

This order is entered to protect the health and safety of court users, staff, and judicial officers of the 22nd Judicial District and to ensure the district courts remain open and able to carry out the core, constitutional functions of the Kansas judiciary,

It remains necessary to utilize precautionary measures to prevent the spread of COVID-19 infections so as not to undermine public confidence in the courts and damage the integrity of trial by jury, a cornerstone of our justice system.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Pursuant to Kansas Supreme Court Administrative Orders 2021-PR-021, 2021-PR-048, and, upon consultation with local health officials:

**MINIMUM STANDARD HEALTH PROTOCOLS:**

Subject only to constitutional limitations, the 22nd Judicial District will follow minimum standard health protocols to avoid exposing court users, staff and judicial officers to COVID-19.

“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 a person receives a single dose of the Johnson & Johnson Janssen vaccine.

Physical distancing” means keeping 6 feet between yourself and other people who are not members of your household.

All employees of the 22nd Judicial District must follow this administrative order, Kansas Supreme Court COVID-19 specific Personnel Policies and Kansas Court Personnel Rules.

### **SCREENING:**

The following shall be posted at all entrances to the courthouse, any court office, or any other facility used by the court for a proceeding within the judicial district and apply to members of the public, staff and judicial officers:

If you **answer YES** to question 1 or 2, you **must not enter** court offices or court proceedings.

1. In the past 48 hours, have you had a fever at or over 100.4°F?
2. In the past 48 hours, have you had two or more COVID-19 symptoms from the CDC list? [www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html](http://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)

If you **answer YES** to question 3 or 4, you **must not enter** court offices or court proceedings unless you have been fully vaccinated and you have had no signs of illness since travelling or having contact with someone who may have COVID-19.

3. In the last 14 days, have you been in close contact with someone who has or might have COVID-19?
4. In the last 14 days, have you traveled:
  - Anywhere on the quarantine list from the Kansas Department of Health and Environment at [www.coronavirus.kdheks.gov](http://www.coronavirus.kdheks.gov); or

- To an international location with a COVID-19 risk level of 3 or 4 from the Centers for Disease Control and Prevention map at [www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html](http://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html)

Phone and email addresses will be posted so those who cannot enter may conduct their business or receive information.

### **PHYSICAL DISTANCING:**

The public, court users, staff, and judicial officers should keep 6 feet of distance between themselves and anyone who is not a family member when in any court office, courtroom, or other portion of any facility being used for a court proceeding, including elevators.

This requirement will not apply if:

- 1) All persons are fully vaccinated and no person objects; or
- 2) Plexiglass or a similar barrier supplies separation.

All public areas where people may congregate should be marked for appropriate physical distancing.

### **FACE MASKS:**

1. **VACCINATED PERSONS:** In accordance with Centers for Disease Control Guidance all individuals who are fully vaccinated are no longer required to wear masks or other face coverings, except where required by federal, state, local laws, rules and regulations, including local business and workplace guidance. Should fully vaccinated individuals feel more comfortable wearing a mask, they are welcome to continue doing so.
2. **NON-VACCINATED PERSONS:** Within any court office, courtroom or other area used for a court proceeding or function, individuals who are unvaccinated, for any reason, must continue to wear a mask or other face

covering and social distance for their own health and safety and the health and safety of the public.

3. **EMPLOYEES:** Court employees may designate their personal workspace or office as a space where masks are required, even of those who are vaccinated. The designation may occur by posting a written notice or through verbal expression. All other employees, judicial officers, and members of the public should honor and respect that designation.
4. **EXEMPTIONS:** The following people are exempt from the requirement to wear a mask or other face covering:
  - 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.
  - Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This 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.
  - Persons who are communicating with an individual who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
5. **JUDICIAL DISCRETION:** Upon request or on the court's own motion, a judge may enter an order authorizing a waiver of the requirement to wear a mask or other face covering within the courtroom or other hearing room over which that judge is presiding. Judges are encouraged to exercise discretion and require masks or other face coverings whenever required under Paragraph 2 above, and, especially when individuals are moving around in the courtroom. Absent constitutional concerns, judges should permit individuals to wear masks if they feel more comfortable doing so.
6. Masking policies will be enforced on the honor system. The Kansas Supreme Court trusts the Kansas Judicial Branch workforce members will follow masking policies with honesty and integrity.

## **IN PERSON HEARINGS:**

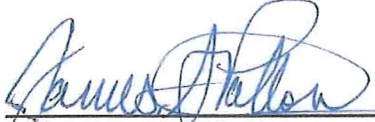
- 1) All hearings in criminal cases (CR); Probate cases (PR); Civil cases (CV); Juvenile Cases (JC-JV); Traffic cases (TR); Limited cases (LM) and the Court Trustee Docket will be conducted IN PERSON unless modified by the presiding Judge of the District Court, hereinafter referred to as presiding Judge to a REMOTE HEARING.
- 2) The presiding Judge and court staff shall take the necessary steps to ensure proper physical distancing in the courtroom and all waiting areas consistent with current health directives.
- 3) The presiding Judge shall control attendance in court areas consistent with CDC, KDHE, Kansas Supreme Court and County health guidelines, if any, as from time to time they may be amended and shall be responsible for ensuring that established disinfecting protocols are observed before, during, between and after court proceedings.
- 4) All entrants into the courtroom are expected to use hand sanitizer upon entry to the courtroom. Dispensers will be located at multiple location to accommodate this requirement.
- 5) Court staff and counsel will be responsible for disinfecting the witness stand, chairs, arm rests and tabletops as required by the presiding Judge.
- 6) Visitors admitted to court facilities must follow all signs and instructions regarding physical distancing and/or wearing of facial coverings which may be posted in courtrooms, offices, elevators, hallways, restrooms and lobbies.

## **REMOTE HEARINGS:**

- 1) In any court proceedings, the presiding Judge may allow remote appearance or hearing for "good cause shown", subject to constitutional limitations, if the request for a remote hearing is made not later than 48 hours prior to the scheduled hearing. The presiding Judge shall not unreasonably deny such request. The increased risk of severe illness associated with COVID-19 to a participant or some in the participant's immediate household will constitute presumptive "good cause shown." Mere inconvenience of in person attendance WILL NOT constitute "good cause."

- 2) A remote proceeding must be consistent with the rules relating to judicial conduct and decorum. All remote hearings must comply with Supreme Court Administrative Order 2021-PR-021.
- 3) A remote proceeding must allow for confidential communications between a party, his counsel, a witness and his counsel. Parties, attorneys, witnesses and observers should provide the court with email/telephone numbers not less than 24 hours prior to any remote proceeding to allow proper extension of a remote hearing invitation.
- 4) Remote proceeding will be available to the general public during a proceeding by use of an auxiliary computer outside the courtroom to allow attendance, participation or observation of the remote proceedings.
- 5) A remote proceeding must be consistent with rights under the United States and Kansas Constitutions including those of a criminal defendant or victim. Nothing in this order requires an individual to waive a constitutional right.

IT IS SO ORDERED.

  
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James A. Patton  
Chief Judge  
22nd Judicial District