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2020 MAY 28 PM 1:24

CLERK OF DISTRICT COURT
WYANDOTTE COUNTY, KANSAS

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

Administrative Order 20MV0078

PHASES FOR RESUMING DISTRICT COURT OPERATIONS

This order supersedes any district court orders or prior Administrative Orders of this court conflicting with this order as issued regarding COVID-19.

On May 1, 2020, the Supreme Court of Kansas issued Administrative Orders 2020-PR-44, 2020-PR-45, 2020-PR-46, 2020-PR-47, 2020-PR-48, and 2020-PR-49. On May 27, 2020, the Supreme Court of Kansas issued Administrative Orders 2020-PR-54, 2020-PR-55, 2020-PR-56, 2020-PR-57, and 2020-PR-58. All Administrative Orders were entered by Chief Justice Luckert to protect the health and safety of court users, staff, and judicial officers.

Administrative Orders 2020-PR-45 and 2020-PR-56 authorize the district court to conduct all hearings within its jurisdiction through two-way telephonic or electronic audio-visual communication, referred to herein as "remote proceedings".

Administrative Orders 2020-PR-46 and 2020-PR-57 suspend deadlines and time limitations for bringing a criminal defendant to trial under K.S.A. 2019 Supp. 22-3402.

Administrative Orders 2020-PR-47 and 2020-PR-58 authorize district court judges and hearing officers to "exempt a case from the suspension of a statutory or other deadline".

Administrative Order 2020-PR-48 applies to courts operating under no local stay-home order by county or city commissions or not closed to the public for public health reasons. Administrative Orders 2020-PR-48 and 2020-PR-54 also apply safety protocols delineated in that order for persons within the physical location of court-related activities can reasonably be met, as determined by the Chief Judge in collaboration with, and as advised by, the head of the local health department. Administrative Order 2020-PR-48 and 2020-PR-54 are now applicable to the 29th Judicial District as the Unified Government of Wyandotte County/Kansas City, Kansas moved into Phase 2 for government operations on 5-26-20.

Order 2020-PR-49 is no longer applicable to the 29th Judicial District.

REOPENING PHASES:

The court shall reopen and implement access to the courthouse in phases pursuant to Kansas Supreme Court Administrative Orders 2020-PR-48 and 2020-PR-49 and 2020-PR-54 and by approval of the local health officials. If possible, the phases shall align with the timeframes previously established by Kansas Governor Laura Kelly in her "Ad Astra Reopening Plan", as adopted by Wyandotte County through the health order signed by the Unified Government and Chief Medical Officer Dr. Allen Greiner on May 20, 2020.

PHASE ONE: This had been the phase since the courts were limited by Supreme Court order to essential functions at the outset of the pandemic. The courthouse was closed to the public for public safety reasons. The court performed the essential functions as defined in 2020-PR-49. Non-essential hearings were held remotely at the discretion of the assigned judge. This phase ended on May 25, 2020 when the Unified Government moved into the modified Phase 2 of the Ad Astra Reopening Plan.

PHASE TWO: On May 26, 2020, and with the requisite approval of the local health officials, the district court phased into the procedures set forth in 2020-PR-48 and 2020-PR-54. On June 1, 2020, the Wyandotte County Courthouse and Court Services Building (hereinafter referred to as the 'courthouse') will reopen to the public. Admission to the courthouse shall be limited to those individuals who need to access the court system for official business or have a scheduled in-person court appearance. All courtrooms shall be limited to 25 % of maximum normal occupancy or a maximum of 10 people, whichever is less.

PHASE THREE: Upon the requisite approval of the local health officials and no sooner than June 8, 2020, limited non-essential in-person court appearances shall be permitted when a remote hearing is not viable. Some court dockets can resume with proper social distancing, multiple courtrooms and other safeguards. Courtrooms shall be limited to no more than 50 % of normal operating capacity. In-person probation visits may resume. Evidentiary hearings may resume at the discretion and as deemed necessary by the presiding judge.

PHASE "OUT": Upon the requisite approval of the local health officials and no sooner than June 22, 2020, the courthouse will be open to the public for normal operations. Appropriate safeguards will remain in place as mandated by the local health officials as dictated by the circumstances existing at that time. In-person hearings may resume for essential and non-essential functions, including evidentiary hearings. Jury trials will remain stayed until their resumption is permitted and authorized by the Kansas Supreme Court and the local health officials and a plan for doing so is submitted by the Chief Judge to the Kansas Supreme Court as set forth in paragraph 6 of Administrative Order 2020-PR-54.

SECURITY:

All visitors will enter and exit the courthouse and court services building through normal secured entrances/exits and will be subject to normal security screening procedures.

All visitors will be subject to a temperature check by touchless thermometer and will be asked if they are suffering from any of the symptoms associated with COVID-19.

Anyone with a temperature will be denied entry into the courthouse and will have their court date rescheduled.

All visitors without a mask will be given a mask to wear and asked to wear it at all times while in the courthouse. Anyone in a courtroom or public office will be required to wear a mask. The presiding judge can allow a party to remove a mask if necessary to conduct a hearing.

Proper social distancing will be required at all times throughout the courthouse. Elevators will have no more than two occupants at any given time. All visitors will be advised to abide by this restriction for their own safety. Anyone who is physically able is strongly encouraged to use the stairs.

The Sheriff will enforce all safety precautions and will have the authority to remove anyone who does not comply with the safeguards and protocol.


COURTROOMS:

All court proceedings will be held remotely unless an in-person appearance is necessary and unavoidable. No more than 10 people should be in a courtroom at any given time during Phase Two and no more than 50 % of normal courtroom capacity at any given time in Phase Three. All parties and attorneys shall promptly respond to all communication from the court.

All parties, attorneys, and spectators shall wear masks while in the courtroom unless otherwise advised by the presiding judge. All parties, attorneys and spectators shall observe proper social distancing while waiting to enter the courtroom and while present in the courtroom or any court office. No one shall approach the bench or court personnel unless granted permission to do so.

Defense attorneys shall communicate with inmates and explain the nature of the court appearance prior to hearing. Any attorney or other person shall wear a mask at all times while in close proximity to an inmate in the courtroom or conference room.

All parties shall only sit and/or stand in designated areas of the courtroom. All dockets shall be held in accordance with the recommendations of the local health officials including social distancing and limits on the number of people in a courtroom. Only parties, attorneys, district court personnel and other statutorily required or constitutionally permitted individuals shall be allowed in a courtroom.



ROBERT P. BURNS, CHIEF JUDGE