

FILED

IN THE FOURTEENTH JUDICIAL DISTRICT OF KANSAS

2021 JUN 15 PM 3:07

MONTGOMERY and CHAUTAUQUA COUNTIES

CLERK OF DISTRICT COURT
MONTGOMERY CO. KS

Administrative Order No. 2021-02

BY _____

District Court Operations as of June 16, 2021

The Kansas Supreme Court issued Administrative Order 2021-PR48 on May 24, 2021, requiring Kansas district courts 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 14th Judicial District and to ensure the district courts remain open and able to carry out the core, constitutional functions of the Kansas judiciary.

The Montgomery and Chautauqua County District Courts have consulted with local health department officials to determine what currently constitutes safe health protocols for court users and employees. In doing so, the court recognizes it should continue to utilize precautionary measures so as not to undermine public confidence in the courts and damage the integrity of trial by jury.

The United States Center for Disease Control (CDC) adopted the following recommendation:

“...fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules and regulations, including local business and workplace guidance.”

The Kansas Department of Health and Environment (KDHE) has adopted essentially the same guideline.

The statewide COVID-19 emergency declaration will expire as scheduled on June 15th, 2021.

The Montgomery County Health Director and Chautauqua County Health Director have approved the court adopting protocols consistent with current CDC and KDHE recommendations.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

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

MINIMUM STANDARD HEALTH PROTOCOLS:

Subject only to constitutional limitations, the 14th Judicial District will follow minimum standard health protocols to avoid exposing court users, staff and judicial officers to COVID-19.

All employees of the 14th Judicial District must follow this administrative order, Kansas Supreme Court COVID- 19 specific Personnel Policies and Kansas Court Personnel Rules.

Section A: Definitions

"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.

Section B: Screening

The following shall be posted at all public entrances to the judicial center and courthouses, any court office, or any other facility used by the court for a proceeding within the judicial district and applies 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 100.4⁰F?
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/symptomstesting/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 traveling 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; 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-travelnotices.html

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

PHYSICAL DISTANCING:

Physical distancing is not required. However, physical distancing will continue to be recommended, particularly among those individuals not fully vaccinated.

FACE COVERINGS:

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 authorize 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 that Kansas Judicial Branch workforce members will follow masking policies with honesty and integrity.

7. Face masks will continue to be provided by the court upon request for those required or choose to wear one.

REMOTE HEARINGS:

The 14th Judicial District will continue use of remote hearings as much as possible to reduce any backlog, and to dispose of new cases efficiently and safely. All remote hearings must comply with Supreme Court Administrative Order 2021-PR-021.

IN-PERSON HEARINGS:

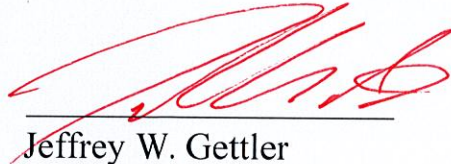
1. Although remote hearings are encouraged, specific proceedings may be better addressed by an in-person hearing. Specifically, proceedings that constitutionally require in-person hearings and certain evidentiary hearings. In those cases, counsel should identify the need, provide notice to the Court, counsel, and parties, and seek

an in-person hearing date from the Court. The Court, upon its own initiative, may determine that a case should proceed in-person.

2. Judges conducting hearings in-person shall control attendance in Court areas consistent with Center for Disease Control, Kansas Department of Health and Environment and Kansas Supreme Court guidelines as they may from time to time be amended. Judges are responsible for ensuring that policies for minimum standard health protocols are observed during and between proceedings.

Dated this 15th day of June, 2021.

IT IS SO ORDERED.



Jeffrey W. Gettler
Chief Judge
14th Judicial District