



IN THE DISTRICT COURTS OF RILEY & CLAY COUNTY, KANSAS

Riley Co. Administrative Order No. 20-04 Phased Opening of the Courthouse

Clay Co. Administrative Order No. 20-02 Opening of the Courtroom & Court Clerk

This order complements actions to mitigate local or statewide outbreak of the COVID-19 disease. This order supersedes any district court orders or prior Administrative Orders of this court conflicting with this order.

In consultation with 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 operating. On May 1, 2020, the Supreme Court of Kansas issued Orders 2020-PR-044, 2020-PR-045, 2020-PR-046, 2020-PR-047, 2020-PR-048, and 2020-PR-049. All six orders relate to the finding of Chief Justice Luckert that "in-person judicial proceedings continue to pose a threat to the health and safety of court users, staff, and judicial officers." Fortunately, at the current time, the risks in our district are less than other parts of the state.

Order 2020-PR-045 authorizes 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". The Order states "Judges and litigants are encouraged to use remote proceedings whenever possible and especially when any party, witness, attorney, or other participant expresses health concerns."

Order 2020-PR-046 suspends deadlines and time limitations for bringing a criminal defendant to trial under K.S.A. 2019 Supp. 22-3402.

Order 2020-PR-047 authorizes district court judges and hearing officers to "exempt a case from the suspension of a statutory or other deadline". The Order also requires that no "action shall be dismissed for lack of prosecution or for the failure to meet a deadline, except when a court invokes an exception to the suspension of a deadline and has issued an order to show cause.

Order 2020-PR-048 applies to the 21st Judicial District, courts operating under no local stay-home order by county or city commissions or not closed to the public for public health reasons. Order 2020-PR-048 also applies if 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 consultation with the local health department.

When available under the circumstances, we shall prefer to operate through remote proceedings as prescribed by Order 2020-PR-045. However, having complied with Order 2020-PR-48 safety requirements, the Court will also now resume non-essential/ non-emergency hearings, in person when safe to do so, as determined by the presiding judge.

1. General Procedures:

- a. When possible, all judges in the 21st Judicial District will coordinate operations for cases through remote proceedings. Those hearings may occur without delay upon consultation with counsel and self-represented litigants.
 - b. In-person proceedings may occur after considering the feasibility of remote options. In the event of an in-person hearing, all participants shall take necessary steps to practice social distancing in order to minimize potential exposure to COVID-19. The presiding judge will monitor that all participants in the proceeding maintain at least a 6-foot distance from each other.
 - c. The Riley County Courthouse will continue to remain open to a limited degree until further order of the Court. Public access to court facilities is limited to litigants or court participants. Spectators and family members who are not court participants may attend proceedings at the discretion of the presiding judge, but only if 6 foot distancing can be maintained and the maximum limit of persons set by the supreme court is not exceeded. Currently 10 people. Spectators may view hearings streamed live where applicable. The Court shall continue to post links to live-stream channels on the county website.
 - d. The Clay County Courthouse will remain open as determined by the Clay County Commission. The Court Clerk's office and courtroom may only be entered by those who pass the 3 screening questions posted and found in 20 PR 48 ¶3.
 - e. 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. Any person, regardless of status, shall wear a face-covering when 6 foot distancing cannot be adequately maintained. When appropriately distanced and speaking on the record, the judge or court reporter may request a mask be temporarily removed if it causes the person to be inaudible.
2. Foreclosure sales may resume only where all participants maintain at least a 6-foot "social distance" from each other.
 3. Limited Answer Hearings may resume where all participants maintain at least a 6-foot "social distance" from each other.
 4. Court services operations may resume in person as needed.

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 15th day of May 2020.


Grant D. Bannister
21st Judicial District Chief Judge