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MIAMI COUNTY KANSAS

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STEPHANIE J. GERKEN
CLERK OF THE DISTRICT COURT

Administrative Order No. 2021-4

Minimum Standard Health Protocols for the Sixth Judicial District

On May 24, 2021, the Kansas Supreme Court issued Administrative Order 2021-PR-48. The Supreme Court's order can be found here:

<https://www.kscourts.org/KSCourts/media/KsCourts/Orders/2021-PR-048.pdf>. This administrative order mandates the chief judge of each judicial district develop and follow minimum standard health protocols to avoid exposing court users, jurors, court staff and judicial officers to COVID-19. This minimum health standard protocol must include directives regarding the need for and usage of physical distancing and masking necessary based on local health conditions. The Supreme Court has issued additional guidance for the district courts to consider for both day-to-day and jury operations of the district courts which can be found here:

<https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Developing-Minimum-Standard-Health-Protocols.pdf> and <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Conducting-Jury-Proceedings.pdf>.

As required under Kansas Supreme Court Order 2021-PR-48, this document states the minimum standard health protocols for the Sixth Judicial District. This protocol is effective June 1, 2021, and rescinds any previously entered order regarding COVID-19 health protocols I have issued for the district. This protocol was developed in conjunction with the local health departments of Bourbon, Linn and Miami Counties, and in consideration of current guidelines provided by the Centers for Disease Control and Prevention and Kansas Department of Health and Environment.

Section A: Screening

At the entrance to each courthouse, a Visitor Alert is posted. This posting is accompanied by screening questions as well as instructions if you may not enter due to the screening. All persons entering, including court staff and judicial officers, must self-screen before proceeding.

Section B: Physical Distancing

All individuals must maintain a distance of six feet between themselves and others who are not members of their households at all times.

Section C: Face Masks

All individuals, including court employees, who are not fully vaccinated, for any reason, shall continue to wear a face mask or covering subject to the exceptions outlined below. Individuals who are fully vaccinated are not required to wear a face mask or covering, but are free to do so.

For purposes of this Order, "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.

The following people are exempt from the requirement to wear a face mask or covering:

- Persons aged 5 years or younger. Children aged 2 years and under in particular should not wear a face mask or covering due to risk of suffocation.
- Persons with a medical condition, mental health condition or disability that prevents wearing a face mask or covering. This includes persons with a medical condition for whom wearing a face mask or covering could obstruct breathing or who are unconscious, incapacitated or otherwise unable to remove a face covering without help.
- Persons who are deaf or hard of hearing or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
- Court employees while working alone in an office not shared with another.

Section D: Remote Hearings

Consistent with Kansas Supreme Court Administrative Order 2021-PR-48, the district will continue the use of remote hearings as much possible to dispose of cases efficiently and safely. Subject to constitutional and statutory restrictions, courts should consider granting requests for "in person" hearings when a legitimate basis and need for such hearings is clearly identified by a requesting party. Objections to attending or participating in a court hearing held in the courtroom shall be considered by the presiding judge on an individual basis. Upon request, and with good cause shown by a court participant (party, attorney, witness or other person required to attend such hearing), a court must permit that participant to participate to attend the proceeding remotely. When good cause is shown to the presiding judge, and remote participation is not possible, absent constitutional or statutory concerns, the presiding judge should consider postponing their required presence in the physical courtroom.

Presiding judges must continue to be vigilant regarding public access to remote proceedings by using a livestream platform. In addition to constitutional and statutory considerations, ensuring public access promotes the integrity of the judicial system. The exceptions are those hearings determined by the legislature to be confidential, for example, proceedings under the care and treatment code, and instances in which the

presiding judge has done a thorough analysis of a request to close a proceeding via motion as contemplated in paragraph 12 of 2021-PR-48.

Section E: Public Access

Subject to the mandates in this order, the district court clerk's offices and the Miami County Self Help Center are open to public access. Because of limited public space in the clerk's office, please be mindful of the number of visitors allowed. Business should be conducted in a timely fashion to allow other users access to the office.

To protect the health and safety of all required attendees by limiting foot traffic, subject to constitutional and statutory restrictions, all public access to jury trials will be via livestream.

Section F: Court Services

Subject to the mandates in this order, Court Services will resume in person services on June 1, 2021. The Court Services officers will coordinate as needed based on waiting area and office size in scheduling appointments to minimize foot traffic in the hallways and number of persons in the waiting area.

The Sixth Judicial District appreciates the patience and support of the citizens of our district. Throughout the pandemic, our employees have worked diligently to ensure continued access to the court. These minimum protocols allow us to continue that mission while protecting the health of court users and our employees. As this order has been prepared with the most recent health information available, as circumstances change, it may be modified as necessary.

IT IS SO ORDERED.



Amy L. Harth

Chief District Judge