

IN THE DISTRICT COURT OF ELK COUNTY, KANSAS

2020 JUN 22 PM 4: 53

ADMINISTRATIVE ORDER 20-10  
ORDER REGARDING ELK COUNTY COURT OPERATIONS IN RESPONSE TO KANSAS SUPREME COURT  
ADMINISTRATIVE ORDER 2020-PR-048

2020 MV 49

This order is in response to the World Health Organization declaration of the COVID-19 Pandemic, the declaration of a state of emergency by Kansas Governor Laura Kelly, and the issuance of Kansas Supreme Court Administrative Orders 2020-PR-048, 2020-PR-049, and 2020-PR-54 which limit the operations of the District Courts unless the stay-at-home orders have been lifted; the courthouse is not closed by action of county officials; and the outlined provisions under the administrative order have been met by the district court.

The 13<sup>th</sup> Judicial District recognizes that COVID-19 is a highly contagious virus and can result in widespread illness for judicial branch employees and the public. In an effort to protect the public and court staff as well as assure that justice is administered fairly in the 13<sup>th</sup> Judicial District, the court will comply with the applicable Executive Orders for the Governor of the State of Kansas; guidelines from the Kansas Department of Health and Environment; orders and guidance from the local public health officials; applicable guidelines provided by Occupational Health and Safety Administration; and all COVID-19 safety directives provided by the Kansas Office of Judicial Administration. Therefore, it is hereby ORDERED, that effective Monday, June 22, 2020:

1. The offices of the court will be accessible to the public under the following criteria:
  - Visitors seeking business at the court Clerk's office should enter one person at a time consistent with physical distancing guidelines. Visitors who have children or immediate household members with them will be admitted as one unit; however, visitors are encouraged to not bring individuals who are not needed for the court visit or process. Those individuals who are waiting to be admitted will be directed to step outside or return to their vehicle and will be contacted by phone or text indicating that they are cleared to be admitted.
  - A drop box will be available for the submission of any documents or payments that must be submitted to the Clerk of the Court or the Court Services Department. The drop box will be clearly designated. Court staff will retrieve all items in the drop box Monday-Friday at 8:00 AM. The staff retrieving the items shall immediately use hand sanitizer. After the items are retrieved the drop box will be disinfected.
  - Court files open to the public may be accessed by appointment with the clerk of the court. When requesting an appointment to review files the case number associate to the files must be provided. A designated room in the courthouse will be utilized for the public to review files to restrict in-person contact. The clerk will place the files in the file review room and then notify the individual requesting the files that they may enter the room. After the individual has completed the review, they must notify the clerk that the review is complete, and the clerk may retrieve the files. The designated file review

room will be disinfected after each use in accordance with the local Department of Health requirements and the provisions of this order.

- A public access computer will be available to the public separate from the offices of the court. The public may obtain access by contacting the Clerk of the Court to schedule a designated time for access to the computer. The public access computer will be disinfected after use by Clerk's office staff.
  - Court Services Officers shall use audio and/or audio-visual technology to conduct client visits, LSIR/YLS, or any other court services. Court Services Officers shall not have face-to-face contact with the public until there has been full compliance with the directives of the local Department of County Health and is approved by the court administrator. The Chief Court Services Officer shall develop a plan for the purposes of testing individuals on probation or bond supervision for the presence of controlled substances in their system.
  - At the direction of the local county health department, court employees shall sanitize their hands after handling items from outside the building.
2. Any court proceedings must be conducted by use of Zoom audio-visual communication or telephonic means in accordance with Supreme Court Administrative Order 2020-PR-056, to the extent possible. Recognizing that in-person proceedings unnecessarily exposes the public and court personnel to an increased health risk if a court proceeding must be conducted in-person, the following guidelines must be met by the Court:
- No more than 10 individuals, including court staff, may be in the courtroom.
  - Individuals must remain at least 6 feet apart throughout the proceeding.
  - The courtroom must be cleaned after each proceeding in accordance with the standards established by the county facility management and county health department.
3. Jury trials are suspended until restrictions on physical distancing and gathering are rescinded by the Kansas Supreme Court and such proceedings can be safely conducted. No clerks of the court shall prepare for jury trials or issue jury summons until directed by the Chief Judge.
4. The Chief Judge shall designate a Zoom audio-visual administrator for each court division, including dockets assigned to local magistrates. The Zoom audio-visual administrator shall:
- Schedule the Zoom audio-visual proceedings at the direction of their assigned judge;
  - Obtain the contact information of the counsel, parties, and witnesses;
  - Distribute the electronic invitation to the proceedings including the 13<sup>th</sup> Judicial District Guidelines on Zoom Hearings and the 13<sup>th</sup> Judicial District Zoom Hearing Quick Start Guide;

- Record the proceedings and notify the appropriate administrative staff at the completion of the proceeding to ensure that the recording has been placed on the district court's electronic server and deleted from Zoom cloud storage;
  - Live stream to the 13<sup>th</sup> Judicial District – Kansas YouTube Channel any proceeding that is not closed by statute or court ruling; and
  - Direct any members of the public or media that request access to the open proceeding to the web link located on the 13<sup>th</sup> Judicial District website.
5. Access to the second floor of the courthouse and court offices, including court proceedings, shall be denied to persons who meet any of the following criteria:
- Close contact with someone who has been diagnosed with or is suspected to have had COVID-19 within the last 14 days;
  - Experiencing two or more of the COVID-19 symptoms identified by the Centers for Disease Control and Prevention;
  - Traveled to an area subject to COVID-19 travel restrictions imposed by the Kansas Department of Health and Environment within the previous 14 days;
  - A temperature of 100 degrees or more;
  - Refusal to complete the screening procedures as outlined by the Kansas Department for Health and Environment; or
  - Refusal to wear a cloth mask or face covering, when requested to do so.

Any individual not granted access to a courtroom or court office shall be provided a county specific informational sheet on how to schedule or complete court business.

6. Until the district court is capable of providing proper physical distancing between employees, it will be necessary to allow a portion of its employees to telework to allow for physical distancing. All employees that agree to telework will be required to complete the Judicial Branch Telework Notice and Agreement Form, located on the Kansas Judicial Branch Intranet.

Any employee that is assigned to the Elk County Courthouse will not be granted access if:

- Close contact with someone who has been diagnosed with or is suspected to have had COVID-19 within the last 14 days;
- Experiencing two or more of the COVID-19 symptoms identified by the Centers for Disease Control and Prevention;

- Traveled to an area subject to COVID-19 travel restrictions imposed by the Kansas Department of Health and Environment within the previous 14 days;
- A temperature of 100 degrees or more; or
- Refusal to complete the screening procedures as outlined by the Kansas Department for Health and Environment.

If an employee is not granted access to the second floor of the Elk County Courthouse, his or her immediate supervisor should be notified as soon as possible.

7. All common areas such as law libraries are closed for general use.
8. All persons entering the second floor of the Elk County Courthouse through the public entrances may be subject to a screening protocol. The screening may include:
  - A temperature check performed by use of a no-touch forehead thermometer. Any individual who has a temperature of 100° F or higher, or refuses to have his or her temperature taken will not be allowed access to courtrooms, court offices, or any other court-related interior location of the Elk County Courthouse.
  - The person seeking entrance shall give answers to health-related questions, if asked, which may include the following:
    - if the person has been in close contact with someone who has been diagnosed with, or is suspected to have had, COVID-19 within the last 14 days;
    - if the person is experiencing two or more of the COVID-19 symptoms identified by the Centers for Disease Control and Prevention;
    - if the person has traveled out of state within the last 14 days;
    - if the person has traveled to an area subject to COVID-19 travel restrictions imposed by the Kansas Department of Health and Environment within the previous 14 days; or
    - other health related questions of a similar nature may be asked in the discretion of the officer conducting the screening.
  - The person seeking entrance shall be denied access if the responses to the above questions indicate that health related concerns apply to the entrant, or if the person seeking entrance refuses to answer any of the questions, or there is reliable information outside of the screening question responses that would

indicate that the person should be denied entry based on the criteria covered in the screening questions.

9. The person seeking entrance to the building shall be allowed to wear a protective mask and/or gloves on the second floor of the Elk County Courthouse while conducting business, subject to a reasonable request by a judge or clerk of the court to verify identification of the individual or other good cause.

Any person who has been allowed entrance may be required to wear a protective mask, covering his or her nose and mouth, and/or protective gloves by order of:

- the chief judge;
- court administrator;
- any judge of the district court while within that Judge's courtroom or chambers;  
or
- any clerk of the court.

All courtroom participants who have been transported from an outside facility (i.e. jail, department of corrections, state hospital, etc.) must wear an appropriate mask at all times they are present on the second floor of the courthouse.

Persons refusing to comply with an order requiring personal protective equipment must be removed from the building or shall be subject to other appropriate sanctions.

10. Persons who have entered the courthouse must maintain at least six feet of separation from all other persons.
  - In conference rooms and courtrooms all persons, including attorneys and their clients, must stand or sit at least six feet from any person.
  - Courtroom participants, which are limited in number by Supreme Court Administrative Order 2020-PR-54, shall sit at the locations marked with tape, signs, or other indicators.
  - Courtroom spectators shall sit only on the marked gallery benches, or as specifically directed by court security staff or the judge. Spectators must separate within the same row to insure six feet of physical distancing.
  - The Elk County Health Department has determined that persons may sit or maintain less than six feet of distance if both and/or all persons are wearing a protective mask.


11. Facility management shall supply the court with a sufficient quantity of cleaning and sanitizing supplies to allow designated personnel to clean all surfaces. The cleaning and sanitizing procedures shall be completed as directed by the Director of Facility Management or the local Department of Health.
  - Court clerk staff shall clean and sanitize all surfaces between each group of individuals who have entered the courtroom. The surfaces to be cleaned shall include:
    - any door handles or surrounding area that has been touched,
    - any screening equipment that may have been touched by a person entering the building,
    - any other surface that may have been touched by persons entering the building.
  - Court clerk staff assigned to each courtroom shall clean and sanitize the courtroom between each group of individuals who have attended or participated at an in-person court proceeding. If court staff is unavailable to perform these duties, the judge conducting the hearing shall designate a member of his or her staff to perform the cleaning and sanitizing duties outlined in this section. The surfaces to be cleaned shall include:
    - any counsel table where participants have sat, any microphone, chair, or other surface that may have been touched by a participant during the proceeding;
    - any door handle, door surface, courtroom gallery bench, or other surface touched by a spectator or other court room participant; and
    - any witness chair, microphone or other surface connected with a witness's participation in court.
12. In accordance with the specific pandemic-related health concerns expressed in Kansas Supreme Court Administrative Orders 2020-PR-048 and 2020-PR-54, all hearings must be conducted by remote means to the extent possible, with a strong preference for use of Zoom audio-visual communication, and telephonic hearings the next preferred method. To facilitate the public's use of Zoom audio-visual communication to participate in court proceedings, especially criminal and traffic case appearances by non-represented parties, the county is encouraged to maintain a remote access Zoom

audio-visual location outside of the courthouse. The remote access location should be utilized by persons who lack the resources to otherwise appear or participate in court proceedings remotely. Such remote access location may be housed in the Sheriff's Office, or other county facility or, location other than the second floor of the Elk County Courthouse. Appropriate health screening and cleaning and sanitizing of the remote access location shall be conducted in accordance with the recommendations of the local Department of Health and the county official responsible for the remote access location.

This order shall be in effect as of June 22, 2020.

IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of June 2020.



David A. Ricke, Chief Judge  
Thirteenth Judicial District

I, Kandy Dowell, Administrator of the Elk County Health Department, have reviewed this order and find it consistent with my directives and what is required to safely reopen the courtrooms and court offices to the physical presence of the public and court staff.



Kandy Dowell  
Administrator