Supreme Court of Kentucky

2020-28

AMENDED ORDER

IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19 EMERGENCY

On March 6, 2020, Governor Beshear entered Executive Order 2020-215 and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the Commonwealth. In light of this measure and to protect the health and safety of court employees, elected officials, and the general public, and under Section 116 of the Constitution and Supreme Court Rule 1.010, hereby ORDERS the following measures to be implemented through May 31, 2020:

1. With the exception of emergency and time-sensitive matters, including but not limited to, domestic violence hearings, emergency custody hearings, temporary child support hearings, evidentiary hearings in criminal cases, in-custody arraignments, in-custody preliminary hearings under RCr 3.10, in-custody bond motions, in-custody probation violation hearings, and in-custody juvenile detention hearings, all civil and criminal dockets shall be canceled, unless a judge determines in his or her discretion that a matter requires prompt attention.

   All participants to a proceeding, including parties and attorneys, must be allowed to participate remotely. Judges must use available telephonic and video technology to conduct all hearings, unless the parties are unable to participate remotely.

   In those limited circumstances requiring an in-person hearing, courtroom attendance shall be limited to attorneys, parties, necessary witnesses, and domestic violence advocates. No more than 10 people may be in the courtroom at any time unless the judge in his or her discretion deems it necessary and enforces appropriate distances between individuals.

2. Effective Wednesday, April 1, 2020, all judicial facilities will be closed to in-person services. Signage shall be posted at all public entry points notifying individuals of the following restrictions:

   a. Only attorneys and parties required to attend emergency, in-person hearings and individuals seeking emergency protective orders, interpersonal protective orders, and emergency custody orders will be permitted inside the building. Entry may be obtained by calling the local circuit clerk's office.

   b. All filings shall be mailed, eFiled, or conventionally filed using a drop-box provided outside the judicial facility.

   c. Payments for court costs, fines, fees, and restitution can be made by money order mailed to the circuit clerk's office or by cash or credit card by calling the local circuit clerk's office. Pre-payable citations can be paid online through ePay at kycourts.gov.

   d. Individuals who need to post bond should contact the local circuit clerk's office for further instruction.

   e. Pursuant to Official Order No. 112155, entered on March 18, 2020, by the Secretary of the Kentucky Transportation Cabinet, the expiration date for all driver's licenses has been extended for 90 days. Accordingly, driver's license services are suspended until further notice.

3. All civil jury trials shall be postponed and rescheduled for a later date. Judges may use available telephonic and video technology to conduct hearings in a civil case if the judge determines in his or her discretion that the matter merits prompt attention.

4. Reasonable attempts shall be made to reschedule all criminal trials, subject to a defendant's right to a speedy trial.

5. With the exception of emergency matters and hearings statutorily required to be held, small claims, eviction,[1] juvenile, probate, traffic, and guardianship cases shall be continued. Judges may, however, use available video and telephone technology to appoint fiduciaries in probate matters and to address any other probate matter that in the judge's discretion merits prompt attention.

6. Based on the moratorium on certain evictions under Section 4024 of the federal CARES Act (H.R. 748, PL 116-136) and Executive Order 2020-257, and because of the public health and safety concerns raised by evictions during the COVID-19 emergency, eviction filings shall not be accepted by the circuit clerk until 30 days after the expiration of this Order.

   Nothing in this Order shall be interpreted to suspend or otherwise excuse an individual's duty to pay rent or to comply with any other obligation under tenancy.

7. Judges should continue to address matters that may be appropriately handled without the necessity of a hearing or personal appearance.

8. To the extent possible and consistent with social distancing practices, attorneys should continue to prepare and litigate cases during the effective dates of this Order, including providing discovery, negotiating possible resolutions, filing motions, and conducting investigations, for the purpose of minimizing delay in bringing cases to trial or resolution upon the expiration of this order.

9. A case involving an attorney or party who is ill or in a high-risk category shall be rescheduled.

10. Judges shall issue summonses in lieu of bench warrants or notices of failure to appear.

11. All show cause dockets for payment of fines and court costs scheduled within this timeframe shall be continued for 60 days.

[1] Pursuant to Executive Order 2020-257, evictions shall be suspended during the State of Emergency (Executive Order 2020-215).

12. The 20-day preliminary hearing requirement for out-of-custody defendants under RCr 3.10 is waived during the effective dates of this Order.

13. Jurors who are ill, caring for someone who is ill, or in a high-risk category shall have their jury service postponed to a later date.

14. New juror orientations shall be suspended unless an exception is granted by the Chief Justice.

15. Existing jury panels may be extended at the discretion of the court.

16. All grand jury proceedings are suspended through the expiration of this Order.

17. The 60-day period in RCr 5.22(3) is tolled from March 16, 2020, until the expiration of this Order. Any extension of the 60-day period granted by a circuit court under the authority of Administrative Order 2020-22 or any prior Administrative Order[2] is also tolled until the expiration of this Order. Any case where the 60-day period or an extension thereof was tolled by operation of this Order shall be presented to the grand jury within 60 days from the expiration of this Order.

    After the expiration of this order, courts are encouraged to give priority in setting hearing and trial dates to cases where the defendant is in custody and proceedings have been tolled by the Supreme Court's response to the COVID-19 emergency.

18. Signage shall be posted at all public entry points advising individuals not to enter the building if they have:

    a. Traveled internationally in the previous 14 days;

    b. Resided with or been in close contact with someone who has traveled internationally within the previous 14 days;

    c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;

    d. Been asked to self-quarantine by any doctor, hospital, or health agency;

[2] See Administrative Orders 2020-08, 2020-09, 2020-13, and 2020-16.

e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or

f. A fever, cough or shortness of breath.

19. Individuals attempting to enter in violation of these protocols shall be denied entrance by a bailiff or court security officer.

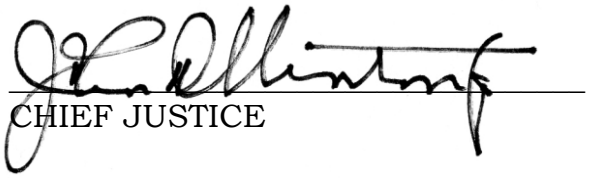
20. Bailiffs shall discourage congregating outside courtroom doors and encourage social distancing inside the courtroom.

21. Individuals with legitimate court business who are ill, caring for someone who is ill or in a high-risk category are advised to stay home and request a continuance by calling the local Office of Circuit Court Clerk.

This Order replaces in its entirety Administrative Order 2020-22. Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local restrictions as needed. To the extent any Local Rules are inconsistent with or otherwise conflict with this Order, the Order prevails.

This Order shall be effective through May 31, 2020, or until further Order of this Court.

Entered this 24th day of April 2020.



CHIEF JUSTICE

All sitting; all concur.