Rescinded 12-01-20 by 2020-PR-122

FILED

AUG 4 2020

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2020-PR-094

Re: Amended Order Requiring Masks in District and Appellate Courts

This order updates operating requirements for district and appellate courts by amending 2020-PR-090.

Currently, Kansas district and appellate courts are operating under Administrative Orders issued in response to the novel coronavirus (COVID-19) pandemic. All Kansas district and appellate courts, regardless of the Administrative Order the courts are operating under, are required to comply with any order issued by the Kansas Governor or more restrictive provisions issued by an authority listed in those administrative orders, when applicable. This order provides that to protect the health and safety of court users, staff, and judicial officers, Kansas district and appellate courts will adhere to Governor Laura Kelly's Executive Order No. 20-52, which requires wearing masks or other face coverings in public spaces. Executive Order No. 20-52 applies to court offices and facilities used for court proceedings, even though the governor's Executive Order exempts court-related proceedings held or managed by the Kansas judiciary unless an exception in this order applies.

In addition, masks or other face coverings must be worn in Kansas district and appellate court proceedings held outdoors, even if six feet of distance is maintained between individuals, unless an exception provided for in this order applies.

The following exceptions apply to the requirement that a mask or other face covering be worn:

1. The exemptions listed in numbered paragraph 3 of the governor's Executive Order No. 20-52 will apply to district and appellate courts. Those include:

   "a. Persons age five years or under . . . .;

   "b. 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;

   "c. 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."

2. Upon request or on the court's own motion, a judge may enter an order authorizing a waiver of Executive Order No. 20-52 within the courtroom or other hearing room over which that judge is presiding. But the judge, including a judge operating in a court under 2020-PR-049, must enforce the requirements provided in 2020-PR-093, numbered paragraph 5, or have physical shields in place. Even when six feet of distance is maintained, a judge is strongly encouraged to use plexiglass or other types of clear barriers between individuals when an individual is not wearing a mask or other face covering. And judges are encouraged to require masks or other face coverings when individuals are moving around in the courtroom.

This administrative order applies regardless of whether a county's county commissioners have exercised authority granted by K.S.A. 48-925 as amended by 2020 Spec. Sess. House Bill 2016, Sec. 33(h).

In addition to the requirements of this court's other administrative orders on district and appellate court operations, masks are required in nonpublic court offices where two or more individuals are present, unless physical shields are in place between individuals.

If 2020-PR-093, referenced above, is amended or rescinded, this order remains in effect unless explicitly amended or rescinded.

Dated this 4th day of August 2020. This order is effective upon filing.

FOR THE COURT

Marla Luckert

MARLA LUCKERT
Chief Justice