Order dated April 17, 2020, re: Response to the Coronavirus Disease (COVID-19) Pandemic

Supreme Court of Missouri
en banc

April 17, 2020
Effective April 17, 2020

In re: Response to the Coronavirus Disease (COVID-19) Pandemic

ORDER

This Order supersedes this Court's order regarding COVID-19 dated April 1, 2020.

On March 13, 2020, national and state emergencies were declared following the classification of COVID-19 as a pandemic. In response, the Supreme Court of Missouri announces the implementation of the following precautionary measures to combat the spread of the disease to the public and the employees of the Missouri judiciary.

The courts of the State of Missouri shall remain open. Nevertheless, pursuant to this Court's constitutional authority to supervise the administration of the state judicial system, see Mo. Const. art. V, §§ 4.1, 8, the Supreme Court of Missouri hereby suspends all in-person proceedings in all appellate and circuit courts – including all associate, family, juvenile, municipal, and probate divisions – as well as grand jury proceedings. All proceedings that do not require in-person appearances of parties or counsel are not suspended and may continue or be suspended at the discretion of the judge in the matter as circumstances allow. For the duration of this Order, judges may exercise their discretion to conduct proceedings that do not require in-person appearances or in-person proceedings suspended as a result of this Order by teleconferencing, video conferencing, or other available technology to the extent not otherwise prohibited by statutory or constitutional restrictions. Any local, criminal, or civil rules that would impede a court clerk or judge's ability to utilize such technologies are hereby suspended for the duration of this Order. This Order will remain in effect through **Friday, May 15, 2020**, and may be extended by this Court as circumstances warrant.

The suspension of in-person proceedings is subject to the following exceptions:

- Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights afforded under section 544.676.3;
- Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;
- Proceedings pursuant to chapter 453 pertaining to adoption;
- Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
- Proceedings pursuant to chapter 455 pertaining to orders of protection;
- Proceedings related to emergency child custody orders;
- Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
- Proceedings related to emergency mental health orders;
- Proceedings pursuant to Chapter 475 for emergency guardianship or conservatorship;
- Proceedings directly related to the COVID-19 public health emergency;
- Oral arguments regarding time-sensitive matters; and
- Other exceptions approved by the Chief Justice of this Court.

This order allows in-person hearings in the listed proceedings but it does not mandate a judge set a hearing in any individual case. While hearings in individual cases of these types can be set by judges, and such hearings can be held in person, judges are encouraged to utilize all available technologies – including teleconferencing and video conferencing – to further limit in-person courtroom appearances to the extent not prohibited by the constitution or statutes as to these proceedings. The presiding judge of each circuit court and the chief judges of each appellate court are authorized to determine the manner in which the listed in-person exceptions are to be conducted. Such proceedings shall be limited to the attorneys, parties, witnesses, security officers, and other individuals necessary to the proceedings as determined by the judge presiding over the proceedings. The judge presiding over such proceedings has the discretion to excuse jurors or other individuals that cannot or should not appear as a result of risks associated with COVID-19.

This Order does not affect a court's ability to consider or rule on any matter that does not require an in-person court proceeding, and judges are encouraged to utilize all available technologies – including teleconferencing and video conferencing – to conduct suspended in-person proceedings remotely.

During the duration of this Order, judges presiding over a civil case or matter may exercise their discretion to waive, for good cause shown, any filing deadlines or time limitations set though Missouri's e-filing system or by court order, local rule, or Missouri Supreme Court Rules 41 through 81. This authorization does not apply to any deadline or time limitations set by statute or constitutional provision. During the suspension, each circuit and appellate court should consider adopting measures for ensuring timely filing by pro se litigants that lack access to Missouri's e-filing system. Likewise, circuit courts with computer portals for public access should devise procedures for allowing litigants otherwise lacking internet access to be able to use such computers for matters pertaining to pending litigation.

Despite the suspension of in-person court proceedings, Missouri courts still must continue to carry out the core, constitutional functions of the Missouri judiciary as prescribed by law and continue to uphold the constitutional rights of litigants seeking redress in any Missouri court. Each circuit court should work with local law enforcement and county agencies to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

If it becomes necessary to close any courthouse during the duration of this Order, the courthouse shall develop procedures for ensuring the court remains accessible by telephone, e-mail, and regular mail to the extent possible during regular business hours. The Supreme Court of Missouri should be notified immediately of the closing of any courthouse, and notice of such closings should be disseminated to the local media, posted on the courthouse doors, and made available electronically.

Furthermore, for the health and safety of its employees, each court is instructed to post to the courthouse doors and make available electronically an order prohibiting access to the premises for individuals that have been exposed to or are exhibiting symptoms of COVID-19. The posting should list necessary contact information for individuals not authorized to enter the premises to have remote access to the administration of justice.

Additionally, any non-essential travel by judicial employees for work-related functions is hereby suspended. This includes travel for purposes of participating in Supreme Court committee meetings. If possible, such meetings should be conducted by teleconferencing or rescheduled to a later date.

This Order is intended to be interpreted broadly for protection of the public from the risks associated with COVID-19.

Day - to - Day

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GEORGE W. DRAPER III

Chief Justice