

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 20-17

**ORDER REGARDING COURT OPERATIONS DURING COVID-19 PANDEMIC**

This Order is being issued in response to the recent worldwide outbreak of Coronavirus Disease 2019 (COVID-19) which includes risk to the citizens of Kansas and Douglas County. The Court has already made certain findings as the basis for prior administrative orders of this district prompted by this same concern. Those reasons remain. Since then, the following additional events have occurred: On Sunday, March 15, 2020, the Kansas Department of Health and Environment issued guidelines to give the public guidance on who should self-quarantine to help prevent the spread of the virus. On Monday, March 16, 2020, the Kansas Supreme Court issued Administrative Order 2020 PR 15, supplementing Supreme Court Administrative Order 2020 PR 13, and providing even broader guidelines for judicial branch employees who should self-quarantine as part of the effort to combat the spread of the disease. Governor Kelly issued a declaration of a state of emergency on March 16, 2020. Nationwide travel bans have become more restrictive. Recommendations from the Centers for Disease Control continue to restrict the size of groups of people for sustained periods and make other recommendations recommending social contact only as needed.

Other district courts in Kansas have already issued administrative orders restricting or limiting court hearings, including jury trials. These developments demonstrate circumstances that compel this District to implement procedures that will allow the Courts to continue to operate but to also protect the health and safety of litigants, counsel and judicial branch employee, as well as the general public, from the spread of the disease.

As regards jury trials, including criminal cases, the increasing restrictions and concerns that have continued to evolve reduces the ability to obtain an adequate spectrum of jurors without undue threat to the health and safety of everyone that would be involved in that process, to include the health and welfare of our citizen jurors, counsel, parties, witnesses (some of whom may have to travel from out of state) and court staff. Therefore, the time period of the continuances impacted by this order is a concern that this Court cannot ignore and must address before permitting jury trials to occur. The Court specifically finds that the public health concern demands that the Court take all precautions to protect the health of the public and judicial branch employees alike.

In consideration of all the foregoing, it is hereby ORDERED that, effective immediately, and until such time as these concerns can be resolved by the Court pursuant to subsequent orders:

1. Except as specifically excluded from this Order, all hearings in all cases currently pending in this District, to include all criminal and civil cases, including jury trials, are hereby postponed until further order of the Division Judge to which the case or matter is assigned. If a case or matter is presently set after June 1, 2020, the presumption is that those hearing dates will be preserved but the directive of Paragraph Two applies to all cases.
2. Except as provided in paragraph Five, counsel of record and self-represented litigants are ordered to contact the Division Judge's assistant where the case or matter is assigned concerning prospective scheduling of all hearing or trial dates affected by this Order.
3. For the most part, parties should anticipate that hearings will occur via telephone or video appearance where feasible and/or that hearing dates will be rescheduled to a date far enough in the future to permit full consideration of information as it develops regarding the virus and its spread, impact and treatment. Counsel of record and self-represented parties should

consult with each other about how this Order affects any case management or scheduling order or deadlines previously entered and to make such requests as they deem appropriate.

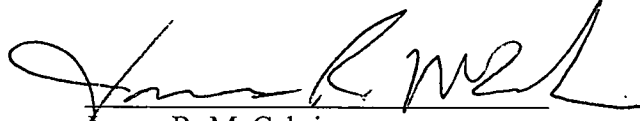
4. Hearings that are not affected by this Order are:
  - a. Child In Need of Care (CINC) temporary custody hearings, including secure care and review of secure care hearings;
  - b. Juvenile offender detention hearings and offender detention review hearings.
  - c. Criminal first appearances scheduled at 3 p.m. each weekday;
  - d. Protection from Abuse/Protection from Stalking hearings scheduled at 1:30 p.m. each Friday;
  - e. Care and Treatment cases pursuant to Chapter 59 as scheduled or to be scheduled.
5. All hearings on the following dockets scheduled between now and June 1, 2020, are hereby continued:
  - a. Small Claims;
  - b. Traffic Court;
  - c. Limited Action first appearances (including evictions);
  - d. Department of Child and Family dockets scheduled in Divisions 2 and 5.

The Clerk of the District Court is hereby ordered to provide notices of hearing to parties and counsel informing of new dates for matters set on these dockets but in no event will that date be sooner than June 1, 2020.

6. The judges will still be conducting search warrant requests, probable cause reviews of arrest warrants and initial bond determinations as before and such other necessary functions as required or determined necessary.

7. To the extent any prior administrative order does not conflict with any aspect of this order,  
that prior administrative order remains in full force and effect.

BY ORDER OF THE COURT this 17<sup>th</sup> day of March 2020.



James R. McCabria  
Chief Judge