

Judge Schoenig:

We miss having everyone in the courthouse. This situation has evolved so quickly and thank you for being adaptable.

Statewide operations for the Judicial Branch were moved into emergency status on March 18th. Attorneys are encouraged to read the Supreme Court Orders. Johnson County has taken a broad approach. We're not restricted to just emergency hearings. Out Order 20-06 is in line with the Supreme Court.

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Of note for family court, paragraphs 10 and 11 from Administrative Order 20-06:

We issued follow-up clarification for attorneys and it's posted on the website: courts.jocogov.org. Hearings are being done by BlueJeans. Telephone hearings are available where technological issues prevent videoconferencing.

Judge O'Grady:

BlueJeans does not cost you anything to use. You can use the platform through the website, or download the application.

Please make sure that you ACCEPT the hearing invitation that comes from the court in your email. You will be able to join the meeting directly from the link in your calendar. Also, it's important you accept so the Court knows you intend to participate.

The Court is working on utilizing breakout rooms that allow for private video sessions that are controlled by the moderator.

Videoconference Etiquette:

- ❖ Find a good spot that's quiet and free of distractions
- ❖ Hearings are on the record and recorded
- ❖ There's a potential for lag in the video
- ❖ Remind anyone participating that individual recording is prohibited. Only the Court has the official record. This is just like being in a courtroom
- ❖ Everyone in the videoconferencing space has to be identified to the Court
- ❖ A few weeks ago, the Court had limited capacity and asked for limits on users. We now have the capacity and can forward invitations onto users.
- ❖ Please make sure you don't have two BlueJeans applications running simultaneously, or if you do, make sure the microphone and audio are muted on all but one login
- ❖ Don't put documents near your laptop or microphone
- ❖ Dress in soft solid colors
- ❖ Be aware of what's behind you on your webcam and your virtual background—this is a court proceeding

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- ❖ Check your lighting. Lights need to be in front of you instead of behind you
- ❖ Generally mute your microphone
- ❖ Evidentiary objections are subject to audio lag concerns. We ask attorneys to make a visual signal so that it's clear an objection is being raised.
- ❖ Interpreters: Please let the Court know at least a week in advance for an interpreter. Instead of the realtime (simultaneous) interpreting, we will have to use sequential interpretation. This requires short phrases so that the interpreter can catch-up.

Protections: Individuals can come to the East end of the courthouse to pickup the paperwork. Kansas Legal Services has set-up a hotline to help individuals fill those out. The initial PFA/PFS hearing is within two weeks and is conducted by videoconference only. We have a confidential contact form available for litigants in the process.

Judge Schoenig:

Pre-trial conferences are available to all participants. Proposed pre-trial orders must be submitted at least 48 hours in advance. Unless otherwise approved by the Court, all items must be filed with the clerk.

Modifiable PDF are permitted—but still must be within 24-hours.

Exhibits must be provided at least 24-hours in advance to the AA. Exhibits need to be marked. Petitioner starts at 1, Respondent 101, interested third parties begin at 201.

Example: petitioner, case number, exhibit 1-4

Rebuttal to exhibits are not required in advance. Counsel should have all items prepared to be produced during the hearing.

1. Are parents encouraged to start their summer schedule now, or wait until mid-May, when school officially ends?

Parties need to follow their parenting plan. Schools are still holding classes.

2. A child support modification hearing can take up to a month to get a hearing date. Do the hearing officers have any expedited procedures in place to deal with those now waiting to receive unemployment or are furloughed?

All tasks and actions take longer. The Trustee is working hard to make the transition to remote hearings. The Trustee uses Zoom because they are supported by the County Department of Technology and Innovation. Yesterday, the deputy trustee and Hearing Officer Busse did 10 videoconference hearings. Private motions will be telephonic by phone. Trustee hearings will be videoconference.

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Lisa Flaucher is setting up the hearings. One day prior to the hearing, the parties will be contacted with a call-in number. Lisa.flaucher@jocogov.org or 913-715-3668.

Brad Bergman is the contact for the enforcement docket.

3. A FL court gave sole residential custody to father because Mom is a doctor working on the COVID floor. Is this a direction our courts are leaning towards? Is social distancing by one parent and not another an emergency?

We've seen similar motions and our judges have not found that frontline workers would lose custody. Judges are reviewing each case individually.

Specific questions about social distancing are to be addressed by judges individually.

4. If we are having phone or blue jeans hearings, how do we handle the admission of exhibits?

Attorneys are to submit the exhibits at least 24-hours in advance to the AA. Exhibit naming convention:

Exhibits need to be marked. Petitioner starts at 1, Respondent 101, interested third parties begin at 201.

Example: petitioner, case number, exhibit 1-4

Rebuttal to exhibits are not required in advance. Counsel should have all items prepared to be produced during the hearing.

Be mindful of the size of the exhibits being submitted to the Court.

Talk to opposing counsel in advance to stipulate to exhibits in advance.

Q: Can we use 0365 to share exhibits?

A: Certainly a possibility.

5. Is there a technology other than Blue Jeans which the courts are looking at using. The Kansas Supreme Court just held oral argument by Zoom but I know some think there are security risks.

Short answer is no. The Trustee is using Zoom.

6. Have the family law courts been flooded with motions to modify support due to people losing their jobs?

Not at the moment. This may change with the lifting of the stay home order. The Help Center and KLS have been active about getting those forms available.

7. How are the judges handling requests for the removal of one party from the marital home in a request for temporary orders?

We are handling this as we always have. These ad hoc situations require our individual attention. We're doing all of these hearings—just remotely.

8. Attorney has been advised to isolate due to health. Client needs to appear at Blue Jeans conference motion for temporary support. Usually done on statements of counsel with parties sworn in order to affirm counsel's statements are correct. Can the litigant dial in to Blue Jeans conference? How do we get exhibits to the Judge for the motion?

Parties can be forwarded the form. Answered in other questions.

9. If a divorce trial proceeds, describe the process for witness testimony and admission of exhibits.... Including those used for purposes of impeachment

Witnesses can be forwarded the invitation. We will have the sequestration rule and create a virtual hallway for the witness. The judge/AA are able to manage the breakout room and bring in the witness to the hearing. We prefer to be able to see the witness, instead of by phone. We are able to swear in witnesses remotely.

Please remind the witness not to use notes or have a laptop open. Judges will provide instructions and reminders about the use of devices. They'll also be required to identify all parties in the room.

10. How are you handling requests for hearings during this period? No hearings? Phone hearings? Blue Jeans?

We're still holding hearings and are expanding the types being held as we go forward. BlueJeans is preferred.

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11. How are you dealing with complaints from divorced/separated parents with opposing views on social distancing as it relates to the children? Are you setting those matters for hearing?

Judges are looking at the on a case-by-case basis.

12. Do parents splits the stimulus check where they alternate claiming children on taxes?

The judges are going to have to review this issue. "It depends"

13. How is service working through the Sheriff?

14. How will the court handle longer hearings?

We initially pushed out all hearings with limited options for BlueJeans. Now judges are preferring to handle longer hearings. There are some hearings that can be done the Supreme Court Rule 133.