

IN THE 18th JUDICIAL DISTRICT OF THE STATE OF KANSAS

Administrative Order

20-3

Order Imposing Judiciary Restricted Operations Due to COVID-19 Emergency

This order complements actions to mitigate local or statewide outbreak of the COVID-19 disease. This order supersedes any portion of district court orders or prior orders of this court conflicting with this order.

On March 11, 2020, the World Health Organization declared COVID-19 disease a pandemic. On March 12, 2020, Kansas Governor Laura Kelly declared a state of disaster emergency. Upon Senate ratification of 2020 HCR 5025, this disaster emergency declaration extends through January 25, 2021. On March 13, 2020, President Donald Trump declared a national emergency. These declarations warrant extraordinary measures to mitigate COVID-19 spread.

Due to the outbreak of COVID-19, an emergency exists that poses a threat of imminent and potentially lethal harm to vulnerable individuals who may come in contact with a carrier of COVID-19. To date, to the extent possible and consistent with guidance issued by the Centers for Disease Control and Prevention and the Kansas Department of Health and Environment, Kansas courts and judicial offices have remained operational and provided scheduled and required events while balancing the health and safety needs of court visitors and personnel during the early stage of this emergency. But rapid escalation of the emergency requires more comprehensive measures to protect the health and safety of Kansans, including our judicial branch employees and judges.

In consultation with the Chief Justice and other members of the Kansas Supreme Court, I have determined the following actions are necessary to secure the health and safety of court users, staff and judicial officers, effective March 20, 2020:

1. All jury trials, both civil and criminal, scheduled to begin in on or after the date of this order are continued until further order of the Chief Justice. Questions concerning prospective scheduling of hearing or trial dates should be directed to the assigned judge.
2. Civil and criminal jury trials that are in progress as of March 18, 2020, may continue to conclusion, in the discretion of the assigned judge. The assigned judge should encourage jurors to follow Centers for Disease Control and Prevention and Kansas Department of Health and Environment guidance on reducing the spread of COVID-

19 to the extent possible. The assigned judge should consult with their Chief Judge regarding personnel required to complete the jury trial in progress.

3. Effective upon publication of 2020 House Substitute for Senate Bill No. 102, this order suspends all deadlines and time limitations to bring a defendant to trial established by K.S.A. 22-3402 and its amendments, until further order of the Chief Justice.
4. Other than jury trials in progress, the Offices of the Clerks of the District Court, the Offices of Court Services Officer, Offices of Court Reporters, Offices of the Court Trustee, and the Administrative office of the 18th Judicial District will be restricted to emergency operations until further order.
5. Emergency operations for the district courts include:

CRIMINAL:

- Determining probable cause for persons arrested without a warrant (within 48 hours of arrest), *Riverside v. McLaughlin*, 500 U.S. 44 (1991) (bond may be set).
- Conducting first appearances, K.S.A. 2019 Supp. 22-2901 ("without unnecessary delay").
- Setting appearance bonds; conditions of release pending preliminary examination or trial, K.S.A. 2019 Supp. 22-2802 (set at first appearance). Note: Arrest for Criminal Trespass/Restraining Order Violation, K.S.A. 2019 Supp. 22-2901(7) (person shall not be allowed to post bond before first appearance as long as first appearance occurs within 48 hours after arrest).
- Issuing warrants pursuant to K.S.A. 2019 Supp. 22-2302 (arrest); K.S.A. 2019 Supp. 22-3716 (violations of probation); K.S.A. 2019 Supp. 22-2502 (searches and seizures); K.S.A. 22-2816 (violation of supervised release program); K.S.A. 22-2805 (holding a material witness); and K.S.A. 22-2911 (violation of diversion agreement), see also K.S.A. 22-2912 (district court rules for diversion procedures).
- Issuing orders for wiretaps, K.S.A. 2019 Supp. 22-2516.

- Conducting inquisitions, K.S.A. 22-3101, K.S.A. 2019 Supp. 22-3102, K.S.A. 22-3103, K.S.A. 22-3104, and K.S.A. 22-3105.

JUVENILE OFFENDER:

- Conducting juvenile detention hearing, K.S.A. 2019 Supp. 38-2343(a) (48 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, from the time detention initially imposed).
- Conducting temporary custody hearing, K.S.A. 2019 Supp. 38-2243(b) (72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, from child being taken into protective custody).
- Issuing warrants for juvenile offenders, K.S.A. 2019 Supp. 38-2342.

CARE AND TREATMENT:

- Commitment of sexually violent predator, K.S.A. 2019 Supp. 59-29a05(b) (Probable cause hearing within 72 hours after person is taken into custody upon the filing of a petition under K.S.A. 2019 Supp. 59-29a04 and a finding of probable cause).
- Issuing ex parte emergency custody orders, K.S.A. 59-2958 (mental illness) and K.S.A. 59-29b58 (alcohol and substance abuse).
- Issuing temporary custody orders, K.S.A. 59-2959 (mental illness) and K.S.A. 59-29b59 (alcohol and substance abuse).

CHILD IN NEED OF CARE:

- Issuing ex parte orders for CINC, K.S.A. 2019 Supp. 38-2242(a)
- Issuing ex parte orders for violation of a valid court order in CINC proceedings, K.S.A. 2019 Supp. 38-2260(c)
- Conducting preliminary hearings on violation of a valid court order in CINC proceedings, K.S.A. 2019 Supp. 38-2260(d)

- Conducting evidentiary hearings on violation of a valid court order in CINC proceedings, K.S.A. 2019 Supp. 38-2260(e)

MISCELLANEOUS

- Conducting hearings and issuing orders of isolation or quarantine, K.S.A. 65-129c(d)(3) (hearing within 72 hours of request contesting isolation/quarantine by order of local health officer).
 - Considering petitions to waive notice regarding abortion upon a minor, K.S.A. 65-6705(f). See also Supreme Court Rule 173 (The court must hold a hearing and issue its order, stating findings of fact and conclusions of law, no later than 48 hours after the petition is filed, excluding Saturdays, Sundays, and holidays) [Note: the statute does not exclude holidays]).
 - Any other matters that would require expeditious handling.
6. Essential personnel—as identified by the Chief Judge will report as required. If an employee identified as essential is unable to serve due to illness or has otherwise been excused consistent with applicable leave policies, a substitute shall be determined by that employee’s administrative head.
 7. Either essential or nonessential personnel may work remotely, if possible and reasonable.
 8. During the effective dates of this Administrative Order, all judges must be available to respond in person or remotely by phone, e-mail, or other electronic means, as determined by their chief judge, departmental justice, or Chief Justice.
 9. All Deoxyribonucleic Acid (DNA) collection, urinalysis testing, alcohol testing, and home visits performed by Judicial Branch employees are suspended until further order of the Court.
 10. All Court Services Officer contact at the jail will be suspended until further order of the Chief Justice, unless the Chief Judge of the Judicial District deems the contact a necessity.
 11. Those who have been directed to report on probation or for interviews with Court Services Officers are directed to report by telephone and not report in

person. Court Services Officers are responsible for communicating this information to those affected. No additional in-person reporting will take place until further order of the Chief Justice.

12. Effective upon publication of 2020 House Substitute for Senate Bill No. 102, all statutes of limitations and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings is suspended until further order. During the effective dates of this Administrative Order, no action shall be dismissed for lack of prosecution.

Dated this 18th day of March 2020.

S: JEFFREY GOERING

JEFFREY GOERING
Chief Judge, 18th Judicial District