

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY**  
**STATE OF MISSOURI**  
**ADMINISTRATIVE ORDER 21-16**  
**AMENDED ADMINISTRATIVE ORDER RE COURT OPERATIONS**  
**AS THE PANDEMIC ABATES**  
**June 17, 2021**

**Introduction**

By this Administrative Order, this court addresses how to proceed with court operations as the pandemic slowly abates. This court has endeavored since the outbreak of COVID-19 to balance the needs of litigants to access justice expediently with the need to protect the health and safety of all who enter this circuit's court facilities. The Orders of the Supreme Court of Missouri, the information from the U.S. Centers for Disease Control and Prevention and the directives of the St. Louis County Department of Public Health have provided ongoing guidance to this circuit since the pandemic began.

In light of current conditions, and as set forth in detail below, this circuit must continue to provide more opportunities for in-person proceedings. This court has also considered the convenience, cost and safety inherent in virtual proceedings. This court also recognizes the need for consistency and predictability within similar division assignments.

## **Findings**

**WHEREAS**, in March 2020, the U.S. Centers for Disease Control and Protection found that the United States was facing a pandemic of a respiratory disease caused by a novel coronavirus (SARS-COV-2) that has spread globally; and

**WHEREAS**, in March 2020, Missouri Governor Mike Parson and St. Louis County Executive Sam Page declared a State of Emergency, necessitating governmental entities to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of St. Louis County residents; and

**WHEREAS**, starting in March 2020, the Supreme Court of Missouri issued various directives to the circuit courts, authorizing them to establish limitations to all court proceedings, in order to protect the health and safety of the 21st Judicial Circuit, including all judicial officers, all employees, all parties with business before the court and all members of the general public; and

**WHEREAS**, on March 22, 2020, the Supreme Court of Missouri ordered that, except for a few designated exceptions, in-person proceedings in all state courts be temporarily suspended; and

**WHEREAS**, on May 4, 2020, the Supreme Court of Missouri issued Operational Directives (which were ultimately modified and superseded on July 24, 2020 and March 26, 2021). In these directives, the Court developed a phasing system to assist each circuit in determining how to gradually return to in-person proceedings.

These directives have served as a tool for the courts to determine how soon they can fully open their doors while maintaining the safety of all those who enter the court facilities;<sup>1</sup> and

**WHEREAS**, according to the phasing directives, in determining whether changing phases is appropriate, the presiding judges must consider specific “gateway criteria,” including the following:

1. The presence of COVID-19 cases in the court facility within a 14-day period;
2. The presence (or absence) of stay-at-home orders and group gathering restrictions applicable to the community;
3. COVID-19 health conditions over a 14-day period in the community, including the number of confirmed cases and deaths;
4. The availability of medical facilities including emergency and intensive care capacity; and
5. “Accessibility to approved COVID-19 vaccines in the community in which the courthouse or court facility is located.” (The Supreme Court added on this factor on March 26, 2021.); and

**WHEREAS**, the directives also required the presiding judges, in determining whether changing phases is appropriate, to consider consulting with numerous members of the community, including local health officials or departments, Children’s

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<sup>1</sup> Indeed, “the health and welfare of every litigant, juror, witness, victim, judicial employee, attorney, and other individual involved in judicial proceedings across the state is paramount in the decisions that are made under these Operational Directives.”

Division personnel, juvenile officers, members of the local bar, prosecutors, public defenders, law enforcement, and probation and parole officers; and

**WHEREAS**, starting on May 12, 2020, the 21<sup>st</sup> Circuit has engaged in phasing discussions with judges, law enforcement officers, court administrators, prosecutors, public defenders, public health officials, probation officers, juvenile officers, jail supervisors, bar leaders and others. These discussions occur every week, focusing on the aforementioned “Gateway Criteria.” All members of the 21<sup>st</sup> Circuit Court staff are invited to contribute to these discussions. Each week, after these discussions and after further consideration of COVID-19 statistics, the presiding judge has issued a Circuit Court Phase Announcement, detailing the required considerations and explaining the phasing decisions; and

**WHEREAS**, the courts throughout this state were never closed. While in-person proceedings were halted during Phase Zero, this circuit immediately began conducting virtual hearings<sup>2</sup>; and

**WHEREAS**, Phase One essentially provides for no additional proceedings, only those that were deemed to be “critical” and “the most extraordinary, pressing, and urgent cases;”<sup>3</sup> and

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<sup>2</sup> The Directives provide trial courts with the right to have “in person” proceedings “necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial” during Phase Zero. However, the Directives also indicate that a judge is not mandated to hold hearings for these types of proceedings during this phase. Rather, the presiding judge of each circuit should decide on which types of “in person” proceedings – if any – should occur after “consult(ing) with local judiciary partners and rely(ing) on local health officials or departments and CDC guidance.”

<sup>3</sup> Phase one also allowed for no more than ten people in a room at any given time, “whenever possible.” The Supreme Court made clear that holding jury trials during Phases Zero and One was not recommended, due to safety concerns for all involved.

**WHEREAS**, Phase Two allows for additional “in person” proceedings, particularly those deemed to be “the most extraordinary, pressing, and urgent grand and petit jury proceedings.” This phase allows for no more than 25 people in a room at any given time, “whenever possible.” Consequently, jury trials resumed in St. Louis County on April 12, 2021 when this circuit entered into Phase Two; and

**WHEREAS**, Phase Three allows for the resumption of “in-person court proceedings, including grand and petit jury proceedings that can be conducted in compliance with social distancing protocols and occupancy rate limitations applicable to the local community;” and

**WHEREAS**, the pandemic has hit this country, this state and this county hard. Nationally, 33,207,488 U.S. residents have tested positive for the virus (including 595,301 fatalities) and statewide, 603,049 residents have tested positive in Missouri for the virus (including 9,193 fatalities). In St. Louis County alone, 100,484 residents (including 2,258 fatalities) have tested positive for the virus, as of June 9, 2021;<sup>4</sup> and

**WHEREAS**, coronavirus vaccinations have been made available to St. Louis County residents, starting in December, 2020; and

**WHEREAS**, the pandemic is abating, in great part due to the vaccine. Statistics reflect vast improvement in this state and in this county. As of today, Missouri’s seven-day daily average number of cases (266) has declined dramatically since January 11,

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<sup>4</sup> Centers for Disease Control and Prevention Website, June 9, 2021.

2021, when the average number of cases was 3,147 per day.<sup>5</sup> In St. Louis County, the average number of new cases per day has decreased dramatically from its peak of 726 on November 12 to 45 today.<sup>6</sup> Hospitalizations due to COVID in Missouri and the St. Louis metropolitan area have also rapidly decreased.<sup>7</sup> Deaths due to COVID have also plummeted in this state and in St. Louis County;<sup>8</sup> and

**WHEREAS**, on May 13, 2021, the Centers for Disease Control and Protection announced that fully vaccinated individuals no longer need to wear protective face coverings nor practice social distancing indoors - “except where required by federal, state, local...laws, rules and regulations, including local business and workplace guidance;”<sup>9</sup> and

**WHEREAS**, on May 28, 2021, the Supreme Court of Missouri announced that, effective June 15, 2021, “circuit courts – including all associate, family, juvenile, treatment, municipal, and probate divisions – are no longer required to conduct court proceedings and courthouse activities pursuant to the previously prescribed operational phases;” and

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<sup>5</sup> *showmestrong.mo.gov, January 11, 2021; June 9, 2021*

<sup>6</sup> *showmestrong.mo.gov, November 12, 2020; June 9, 2021*. These numbers reflect the number of positive PCR tests, which are considered *confirmed* cases and do not include antigen (rapid) test results, which are considered *probable* cases. According to data compiled by the St. Louis County Department of Public Health, St. Louis County reported a seven-day moving average of 45 new confirmed and probable cases on June 9, 2021. The data from the St. Louis County Department of Public Health also lags 3 days to ensure accuracy. (*Source: stlcorona.com, June 9, 2021*).

<sup>7</sup> *showmestrong.mo.gov, June 9, 2021 (as compared to November 19, 2020); St. Louis Metropolitan Pandemic Task Force Facebook page, June 9, 2021*.

<sup>8</sup> *showmestrong.mo.gov and stlcorona.com, June 9, 2021 (as compared to November 19, 2020)*.

<sup>9</sup> Centers for Disease Control and Prevention Website.

**WHEREAS**, the Court further indicated that “presiding judges shall continue to: (1) monitor local health conditions; (2) consult with local health officials or departments regarding what, if any, precautionary measures are necessary in the community in which the courthouse or court facility is located; and (3) monitor the Centers for Disease Control and Prevention (CDC) COVID-19 guidelines and implement any new or amended guidelines as necessary to ensure the safety of those appearing or working in court facilities;” and

**WHEREAS**, the Court’s May 28, 2021 order also stated that “[b]ased on local health conditions and the recommended CDC guidelines, chief and presiding judges may exercise their discretion in determining whether precautionary measures should be utilized to ensure the health and safety of those in the courtroom or court facility;” and

**WHEREAS**, on May 27, 2021, the St. Louis County Department of Public Health co-director informed this circuit that social distancing in the court facilities is no longer necessary, as long as everyone in the facilities wears protective face coverings. (This mask requirement, according to the DPH, does not apply to small gatherings where all individuals have been fully vaccinated); and

**WHEREAS**, the Supreme Court of Missouri has recently recognized that, in certain instances, in-person proceedings are not recommended: “When possible, judges should consider continuing to allow vulnerable litigants, witnesses, victims, attorneys, and participants to appear or participate remotely or continue or postpone their required presence at the court facility; and

**WHEREAS**, the Supreme Court of Missouri has recognized that virtual proceedings must continue to be available at least as long as it takes for this circuit to come out of this pandemic: “courts and judges continue to be encouraged, when appropriate, to utilize all available technologies – including teleconferencing and video conferencing;” and

**Order and Decree**

**THEREFORE**, this Circuit will no longer use the Supreme Court of Missouri’s phasing system. Instead the presiding judge will continue to monitor local health conditions, monitor CDC guidelines, consult with local health officials and implement any guidelines as necessary to ensure the safety of those appearing or working in court facilities.

**IT IS HEREBY ORDERED THAT:** Regardless of an individual employee’s vaccination status, judicial employees should return to work duties unless otherwise instructed by a supervisor. This court is exploring options to allow interested employees to pursue limited virtual opportunities.

**FURTHER, IT IS ORDERED THAT:** The public may enter the St. Louis County Courthouse to file documents, obtain case information and attend any “in person” proceedings (as long as Missouri statutes allow attendance). The court’s Law Library, Resource Center and Exchange Center are now accessible to the public.

**FURTHER, IT IS ORDERED THAT:** Until further of this court, anyone in the St. Louis County Courthouse or any of its municipal division courts, must wear face coverings in all areas other than private closed offices (including courtrooms, lobbies, jury assembly rooms, jury deliberation rooms, elevators, restrooms, open office areas and breakrooms). Individuals need not wear masks in enclosed areas when everyone has been fully vaccinated. Individuals in the court facilities need not practice social distancing any longer, provided they are wearing their masks.

**FURTHER, IT IS ORDERED THAT:** As the CDC has advised that authorized vaccines are highly effective at protecting people against symptomatic and severe COVID-19 and, as the CDC advises that fully vaccinated people are less likely to have asymptomatic infection or transmit SARS-COV-2 to others, supervisors should encourage all employees to receive an approved COVID-19 vaccine.

**FURTHER, IT IS ORDERED THAT:** Judicial employees, whether or not vaccinated, should remain alert for symptoms of COVID-19, especially if they have been near someone who is sick. Further, they should report any such symptoms to their supervisor without delay.

**FURTHER, IT IS ORDERED THAT:** Judicial employees must stay home if they

1. are subject to a quarantine or isolation order;
2. have been advised by a health care provider to self-quarantine; or
3. are experiencing symptoms of COVID-19.

**FURTHER, IT IS ORDERED THAT:** Contested evidentiary proceedings will be conducted in person from this day forward, with certain exceptions:

1. All contested hearings that have already been scheduled to proceed on WebEx will remain on WebEx, unless otherwise ordered by the assigned judicial officer. The parties, however, can contact the appropriate division clerk to seek to change the proceeding from WebEx to “in-person.”
2. The Family Court and Probate Court have specified certain contested proceedings that will continue to occur via WebEx. (See below.)
3. Bond hearings will begin in-person proceedings in the associate circuit court on June 21, 2021. Preliminary hearings will proceed in person on July 6, 2021.
4. All Small Claims hearings will not be conducted in person until September 7, 2021, unless otherwise ordered by the assigned judicial officer. From that date forward, all small claims settings will occur in person.
5. Forfeiture hearings will not be conducted in person until August 18, 2021.
6. Each municipal division will determine when to commence with in person proceedings. (See below.)
7. The division judicial officer always has the discretion to set certain matters via WebEx, on a case-by-case basis. (One exception pertains to certain criminal matters which can only occur pursuant to Section 561.031, Revised Statutes of Missouri.)

Note: “Contested evidentiary hearings” refers to grand jury proceedings, jury trials, bench trials and motion hearings with testimony. Department of Revenue “hearings” are not conducted in person; Department of Revenue trials are conducted in person.

**FURTHER, IT IS ORDERED THAT:** Certain non-contested proceedings will only occur in person, without a WebEx option. (Judges, however, will be mindful of providing an initial continuance to any vulnerable litigant who seeks it.) These proceedings include:

1. Confined appearances in associate criminal court, as of June 21, 2021.
2. Circuit court arraignments as of July 21, 2021. They will remain virtual until this date.
3. Weddings, as of September 1, 2021. They will remain virtual until this date.

**FURTHER, IT IS ORDERED THAT:** The court will continue to utilize all available technologies – including teleconferencing and video conferencing where appropriate, so as to reduce the number of persons in the court facilities.

**FURTHER, IT IS ORDERED THAT:** Certain proceedings may occur in person but must also be available to occur via WebEx (unless the parties agree to proceed in person). Such proceedings include call dockets; appearance dockets; settlement conferences; pre-trial conferences; non-evidentiary hearings; motion arguments (not evidentiary hearings); non-contested hearings; and any hearing that needs to be put on the record but is essentially not contested. The “in-person” option may not be available in certain instances as follows:

1. The Family Court and Probate Court have specified that certain proceedings will be entirely virtual, via WebEx. (See below.)
2. Status conferences and guilty pleas in the circuit court when the defendant is in the custody of the Department of Justice Services.
3. Call dockets in the associate criminal court will remain virtual for all confined defendants. (These are to be distinguished from confined appearance and bond hearings which will be “in person” on June 21, 2021).
4. The Alternative Treatment Court docket.
5. The division judicial officer always has the discretion to set certain matters via WebEx on a case-by-case basis.

**FURTHER, IT IS ORDERED THAT:** All summons, subpoenas, notices of hearing and docket settings in Casenet shall indicate how the hearings will be conducted, i.e. whether in person and/or via WebEx (and, if by WebEx, contain the meeting identification and call-in numbers).

**FURTHER, IT IS ORDERED THAT:**

1. In the Family Court, Juvenile Division, the following matters will continue to proceed virtually:
  - A. Adoption hearings;
  - B. Detention hearings;
  - C. Protective custody hearings;
  - D. Motion hearings;
  - E. Review hearings;

- F. Initial hearings;
  - G. Settlement conferences; and
  - H. Uncontested and consent hearings.
2. In the Family Court Juvenile Division, as of June 14, 2021, the following matters will proceed “in person”:
- A. Contested Termination of Parental Rights hearings;
  - B. Contested adoption hearings;
  - C. Contested guardianship hearings;
  - D. Contested delinquency hearings;
  - E. Contested Care and Protection hearings; and
  - F. Certification hearings.

Any above matter can proceed virtually with the judicial officer’s consent.

3. In the Family Court, Domestic Division, the following matters will continue to proceed virtually:
- A. Motion hearings (but testimonial hearings may be held in person, with the judicial officer’s consent);
  - B. Settlement conferences;
  - C. Any non-contested proceeding;
  - D. All Order of Protection settings; and
  - E. Domestic violence compliance dockets.

4. In the Family Court, Domestic Division, as of June 14, 2021, the following matters will proceed in person:

- A. Trials (dissolutions, paternity actions, custody proceedings, motions to modify);
- B. Temporary Restraining Order hearings; and
- C. All civil and criminal contempt settings.

Any above matter can proceed virtually with the judicial officer's consent.

**FURTHER, IT IS ORDERED THAT:**

1. In the Probate Court, the following matters will continue to proceed virtually:

- A. Non-jury mental health hearings;
- B. Uncontested adult guardianship hearings;
- C. Uncontested minor guardianship hearings;
- D. Case management conferences;
- E. Pre-trial conferences;
- F. Contested motion hearings;
- G. Contested evidentiary hearings expected to last less than one hour;
- and
- H. Show cause hearings.

2. In the Probate Court, as of June 14, 2021, the following matters will proceed

in person:

- A. Jury trials;
- B. Contested adult and minor guardianship hearings;
- C. Contested petitions for letters hearings; and

D. Contested evidentiary hearings expected to last longer than an hour.

Any above matter can proceed virtually, with the judicial officer's consent.

**FURTHER, IT IS ORDERED** that the municipal divisions of the 21<sup>st</sup> Circuit Court are governed by this Order. The municipal courts can determine how, when and to what extent they will resume in-person appearances. Each division must endeavor to provide remote access to its court proceedings to all vulnerable litigants and witnesses. Within one week from the date of this Order, each municipal division must provide on its court website all necessary information about how litigants and witnesses can participate in court proceedings. Until further order of this court, signage should be posted outside and inside each municipal courtroom that indicates that masks must be worn at all times. This information should be included on each court's webpage as well.

**FURTHER, IT IS ORDERED** that any litigant who wishes to have access to a virtual St. Louis County Circuit Court proceeding can do so by visiting the e-Court Access to Justice site at the St. Louis County Government Center, at 715 Northwest Plaza Drive, St. Ann, MO, 63074.

**FURTHER, IT IS ORDERED** that based on local health conditions, and the recommended CDC COVID-19 guidelines, the judge presiding over an individual case or courtroom may exercise discretion in determining whether special precautionary measures should be utilized to ensure the health and safety of those persons in the courtroom.

**FURTHER, IT IS ORDERED** that all judicial officers in this circuit must allow vulnerable litigants and witnesses the opportunity to appear remotely in court proceedings. If this is not feasible, the judicial officer should liberally grant continuances to allow for adequate in-person access.

**FURTHER, IT IS ORDERED** that the above information and details about how to access the particular divisions will be available by contacting the St. Louis County Circuit Court website which is at <http://wp.stlcourtscourts.com>.

**This Administrative Order shall remain in effect until rescinded or superseded by subsequent order of the court.**

SO ORDERED:



Michael D. Burton  
Presiding Judge  
June 17, 2021