

IN THE DISTRICT COURT OF DOUGLAS COUNTY KANSAS

ADMINISTRATIVE ORDER NO. 21-17

Minimum Standard Health Protocols

WHEREAS, this District Court has operated under several local Administrative Orders and transition plans since March 2020 to address the COVID-19 pandemic. During this same time, the Kansas Supreme Court has also issued Administrative Orders directing operations for the district courts of this State.

On May 24, 2021, the Kansas Supreme Court issued Administrative Order 2021-PR-048 (“21-PR-48”) requiring all district and appellate courts in Kansas to develop and follow their own minimum standard health protocols to avoid exposing court users, staff and judicial officers to COVID-19. That order directs each district court to implement COVID-19 screening and communication protocols which continue to utilize appropriate precautionary measures.

Such protocols must include directives for determination of the need and usage of physical distancing and masking deemed necessary based on local health department guidelines.

On May 13, 2021, the United States Center for Disease Control (CDC) adopted the following recommendation:

”. . . fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules and regulations, including local business and workplace guidance.”

On May 15, 2021 the Kansas Department of Health and Environment (KDHE) adopted essentially the same guideline.

Lawrence-Douglas County Health Department has approved the Court adopting protocols that are consistent with current CDC and KDHE recommendations as minimum standards. The Court recognizes such standards continue to evolve.

NOW, THEREFORE, in consultation with the Lawrence-Douglas County Health Department, together with the Court's own consideration for local and national guidance from public health and welfare experts, and with consideration for the public confidence in the courts and integrity of trial by jury, a cornerstone of our justice system, effective this date, this District adopts the following procedures:

A) Screening

The Court will continue COVID-19 screening for members of the public, judicial branch employees, and judicial officers by using "Visitor Alert" signage throughout court areas of the Judicial Center. Staff and individuals entering the Judicial Center will be asked to review the signage on their own and proceed accordingly. The current signage will include the following information:

If you **answer yes** to question 1 or 2, you **must not enter** court offices or court proceedings.

1. In the past 48 hours, have you had a fever at or over 100.4°F?
2. In the past 48 hours, have you had two or more COVID-19 symptoms from the CDC list? (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>)

If you **answer yes** to question 3 or 4, you **must not enter** court offices or court proceedings unless you are fully vaccinated and you have had no signs of illness since traveling or having contact with someone who may have COVID-19.

3. In the last 14 days, have you been in close contact with someone who has or might have COVID-19?

4. In the last 14 days, have you traveled:

- Anywhere on the quarantine list from the Kansas Department of Health and Environment? (<https://www.coronavirus.kdheks.gov>)
- To an international location with a COVID-19 risk level of 3 or 4 from the Center for Disease Control and Prevention map? (<https://www.cdc.coronavirus/2019-ncov/travelers/map-and-travel-notices.html>)

Persons who are prohibited from entering based on the above questions will be provided the email and phone number for the District Court Clerk to assist them with conducting their business or to obtain information.

B) Physical Distancing

Physical distancing (six-feet apart) is required in all courtrooms, court offices or adjacent hallways among persons who do not share the same household. Physical distancing may be waived for any given hearing when the presiding judge determines it appropriate and safe. Such decisions may include waiving (in whole or in part) physical distancing for some or all participants / attendees.

C) Face Coverings

All persons entering a courtroom, court office or adjacent hallway must wear face coverings, unless excused from doing so due to a medical condition. Such excusals can be heard and determined by any judge of this Court. Face coverings may be waived for any given hearing when the presiding judge determines it appropriate and safe, or constitutionally required. Such decisions may include waiving (in whole or in part) face coverings for some or all participants/ attendees.

District Court employees are not required to wear face coverings while at their workstation. Face-coverings and physical distancing are required when having in-

person contact with the public. In all other situations, employees are encouraged to both physically distance and wear face-coverings when in close proximity to each other.

In any in-person contact situation (including those with members of the public), where social distance can be maintained and all persons involved in the contact consent, one or all participants may remove their face covering.

D) Voluntary Face Covering and Physical Distancing

All persons should feel free to utilize a face covering or maintain social distance as to them seems most appropriate. District Court employees should be respectful of such decisions both as to the public and to co-workers. This rule is subordinate to any due process rights that attach to any judicial proceeding within this District.

E) Remote Proceedings

The Court will continue to make active use of remote proceedings. The Court will make reasonable effort to accommodate any participant in a proceeding who prefers participation by remote means.

F) Review of Protocols and Special Considerations

The Court realizes that, to some degree, these protocols are more restrictive than the minimum standards recommended by some local, state and national health experts or agencies for non-court proceedings or situations. This Court considers that the special consideration of “Equal Justice Under Law” is a foundational concept unique in its application to court proceedings. Asking people to conduct themselves differently based on vaccination status has the potential to impact the fair, unbiased and equal application of procedural due process that all citizens are entitled to receive within this Judicial District. As such, the Court will continue to monitor the impact of recent changes to local health and safety protocols within the community and, as more

information becomes available to inform whether changing these protocols is indicated, the public and the court staff should expect such changes to occur.

If any previous local administrative order conflicts with the provisions of this Order, this Order controls.

This order is made and is effective this 2nd day of June, 2021.



James R. McCabria
Chief Judge