

31st Judicial District Response to Coronavirus (COVID-19)

[Updated Covid-19 Order \(09/02/2021\)](#)

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THIRTY-FIRST JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 297

REVISED COVID-19 ORDER TO COMPLY WITH THE KANSAS SUPREME COURT'S AUGUST 30, 2021, "UPDATED COVID-19 PERSONNEL POLICIES" AND "SUPREME COURT GUIDANCE FOR DEVELOPING MINIMUM STANDARD HEALTH PROTOCOLS."

On August 30, 2021, in a press release, the Supreme Court noted that its updated personnel policy and guidance were issued "due to the continued spread of the COVID-19 Delta variant." Notably, under Article 3, Section 1 of the Kansas Supreme Court has "general administrative authority over all courts in this state." To comply with the Supreme Court's updated guidance and policy, this court revises its COVID-19 order commencing September 7, 2021.

On August 30, 2021, the Supreme Court issued [COVID-19CourtPersonnelPolicies.pdf \(kscourts.org\)](https://kscourts.org/COVID-19CourtPersonnelPolicies.pdf) (Policies) and [Supreme-Court-Guidance-for-Developing-Minimum-Standard-Health-Protocols.pdf \(kscourts.org\)](https://kscourts.org/Supreme-Court-Guidance-for-Developing-Minimum-Standard-Health-Protocols.pdf) (Protocols).

On May 28, 2021, this court issued Administrative Order 296, https://0201.nccdn.net/1_2/000/000/12b/642/31st-covid-response-page.pdf.

Unless provisions are expressly modified herein, Administrative Order 296 remains in effect.

In addition, Administrative Order 286, "Mandatory Settlement Conferences in All Civil and Criminal Cases Before Commencing Any Jury Trial," and Administrative Order 287, "POST-COVID-19 JURY TRIAL AND GRAND JURY PLAN" remain in effect. Links for those administrative orders are: https://0201.nccdn.net/1_2/000/000/145/b9e/31st-covid-response-page.pdf

According to the protocols, "Section E-Face Masks," chief judges of the Kansas courts are to develop policies "consistent with local public health and safety conditions." In addition, chief judges are "strongly encouraged" to follow the Centers for Disease and Control and Prevention (CDC) tracker for high or substantial community transmission categories, <https://covid.cdc.gov/covid-data-tracker/#county-view> (tracker).

The 31st Judicial District includes all judicial facilities in Allen, Neosho, Wilson and Woodson Counties. Using this tracker, all (4) counties of the 31st Judicial District are in the high (red) transmission counties.

In its protocols, the Supreme Court ordered that masking policies continue to be “enforced on the honor system.” Thus, to comply with the Supreme Court protocols, and with all (4) counties of the 31st Judicial District being in the high transmission categories, **face masks are once again required in all public and common areas**. More precisely, **a face mask or other face coverings are required in all public and common areas of court offices, courtrooms, or any facility being used for a court proceeding. This requirement applies to fully vaccinated individuals as well as those who remain unvaccinated.**

Additionally, **upon request or on the court’s own motion, a judge may enter an order authorizing a waiver of the requirement to wear a mask or other face covering within the courtroom or other hearing room over which that judge is presiding. Judges are encouraged to require masks or other face coverings whenever required under the “Protocol.” Absent constitutional concerns, judges should permit an individual to wear masks if they feel more comfortable doing so.**

This administrative order is effective September 7, 2021, and this order shall remain in effect until modified by another administrative order.

IT IS SO ORDERED

September 2nd, 2021

Hon. Daniel D. Creitz
Chief Judge; 31st Judicial District

THIRTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER 296

**UPDATED COVID-19 ORDER WITH HEALTH STANDARDS AND
PROTOCOLS, RESCINDING ADMINISTRATIVE ORDERS 283, 284 AND
285**

On this 28th day of May 2021, the 31st Judicial District issues this COVID 19 order and rescinds this court’s prior Administrative Orders 283, 284 and 285. Links to those administrative orders are: https://0201.nccdn.net/1_2/000/000/145/b9e/31st-covid-response-page.pdf

At this time this court is not rescinding Administrative Order 286, “Mandatory Settlement Conferences In All Civil And Criminal Cases Before Commencing Any Jury Trial and Administrative Order 287, “POST-COVID-19 JURY TRIAL AND GRAND JURY PLAN. Links for those administrative orders are: https://0201.nccdn.net/1_2/000/000/145/b9e/31st-covid-response-page.pdf

On May 24, 2021, the Supreme Court issued a press release with the Chief noting, “With approved COVID-19 vaccines more readily available, courts are ready to adopt updated protocols that reflect local health conditions, and our order today gives that direction.” The press release further provides, “Orders dating to the beginning of the pandemic provided uniform health and safety protocols applied to courts statewide. Today’s order gives chief judges the authority and responsibility to adopt minimum standard health protocols necessary based on local health conditions.” Further, the order provides that “even as approved COVID-19 vaccines become readily accessible in Kansas communities, courts should continue to utilize precautionary measures as necessary so as not to undermine public confidence in the courts and damage the integrity of trial by jury, a cornerstone of our justice system.” The order also “encourages courts to continue using remote hearings to dispose of cases safely and efficiently.” The effective date of the order was June 1, 2021.

In addition, on May 24, 2021, Supreme Court issued two guidance directives. They are: “Guidance Regarding Conducting Jury Proceedings” and “Supreme Court Guidance for Developing Minimum Standard Health Protocols.” The links are: <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Developing-Minimum-Standard-Health-Protocols.pdf>, <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Supreme-Court-Guidance-for-Conducting-Jury-Proceedings.pdf>

After the Supreme Court issued 2021-PR-048 and the two guidance directives, this court consulted with the Allen, Neosho, Woodson and Wilson County Health Department Nurses.

This order complies with the Supreme Court's 2021-PR-48, the two Supreme Court guidance directives, and the directives of all four county health departments. This court's Administrative Order 296 is effective June 1st, 2021.

DEFINITIONS

- "Fully vaccinated" means two weeks after a person receives the second dose in a two-dose series of the Pfizer-BioNTech or Moderna vaccine, or two weeks after a person receives a single dose of the Johnson & Johnson Janssen vaccine.
- "Physical distancing" means keeping 6 feet of distance between yourself and other people who are not members of your household.

HEALTH PROTOCOLS

- At all entrances to the courthouses, the Chanute Judicial Annex, any court office or any other facility being used by the court for a proceeding within the district, the Office of Judicial Administration "Visitor Alert" and any updates will remain posted that provides the COVID-19 screening and communication protocols. Except in jury proceedings when court staff may screen the public, the public shall self-screen.
- The Office of Judicial Administration's "Notice" template and any amended templates with steps to take to avoid the spread of the disease will remain posted in each court office, and these notices must be followed.
- This court trusts that the public will follow this order with honesty and integrity. Further, as provided in the "Supreme Court Guidance for Developing Minimum Standard Health Protocols" Section E, the court "trusts that Kansas Judicial Branch Workforce members will follow masking policies with honesty and integrity."
- Only Non-Vaccinated individuals must wear a mask or other face covering in all court areas. Vaccinated individuals, including court staff, do not need to wear masks, but may do so if they feel more comfortable wearing a mask.
- Masking policies will be enforced on the honor system.
- As provided in the "Supreme Court Guidance for Developing Minimum Standard Health Protocols (e), upon the court's own motion or upon request, a judge may enter an order

authorizing a waiver of the mask or face covering requirement within the courtroom where the judge is presiding. Absent constitutional concerns, judges should permit individuals to wear masks if they feel more comfortable doing so.

- In addition, the following people are exempt from the requirement to wear a mask or other face covering:
 - Persons aged 5 years or younger. Children aged 2 years and under in particular should not wear a face covering due to risk of suffocation.
 - Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without help.
 - Persons who are deaf or hard of hearing or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
- By written notice or through verbal expression employees may designate their personal workplace or office as a space where masks are required, even for those vaccinated. All employees, judges and members of the public should honor and respect the designation.
- The public, court users, staff and judicial officers should exercise appropriate physical distancing in all court offices, hallways or areas adjacent to court areas. Current physical distance signage shall remain posted in all courtrooms and hallways or areas adjacent to court areas.
- Podiums may return to the courtrooms. Masks and sanitation wipes should continue to be available in all courtroom and court facilities.
- With the courtrooms open to the public for in-person hearings, live-streaming is not required.
- Due to the “Supreme Court Guidance for Developing Minimum Standard Health Protocols, Section D” providing that “Any public area that cannot be adapted for appropriate physical distancing should be or remain closed.” The following rules remain for the Chanute Judicial Annex, the Erie Courthouse, the Wilson County small courtroom and the Allen County small courtroom.

- In the **Chanute Judicial Annex** second floor (upper level small) courtroom including the judge, staff and security, no more than 10 people may be simultaneously present in the courtroom. In the first floor (main, large) courtroom including the judge, staff and security, no more than 10 people may simultaneously be present in the courtroom. The areas for seating in the galleries shall remain marked or include signage.
- In **Neosho County**, cases that require more than 10 people for the upper-level courtroom, more than 10 people for the main, large courtroom and all large dockets (dockets that have more than 7 cases) will be scheduled and heard in Erie, not Chanute. The Erie courtroom shall remain marked or include signage for social distancing.
- In the **Wilson County** small courtroom, including the judge, staff and security, no more than 8 people may be simultaneously present in the courtroom. The areas for seating in the gallery shall remain marked or include signage.
- In **Wilson County**, cases that require more than 8 people and large dockets with more than 7 cases will be scheduled and be heard in the large courtroom. There shall be social distancing in the large courtroom.
- In the **Allen County** small courtroom including the judge, staff and security, no more than 7 people may be simultaneously present in the courtroom. The areas for seating in the gallery shall remain marked or include signage for social distancing.
- In **Allen County** cases that require more than 7 people and all large dockets with more than 7 cases will occur in the large courtroom. There shall be social distancing in the large courtroom, and the courtroom shall remain marked or include signage for social distancing.

ZOOM AND CONFIDENTIAL HEARINGS

- At the sole discretion of the presiding judge, zoom hearings can continue to be utilized. If any docket backlog exists, then at the discretion of the judge zoom hearings should continue to be utilized to reduce the backlog. Zoom protocols, notices, exhibits, witnesses, standards and guidance will be determined by the presiding judge who must coordinate with the applicable clerk of the district court's office.
- Except as provided herein, if the judge closes a courtroom to the public, then those hearings must be live-streamed. Hearings on extremely sensitive information, trade secrets, and statutorily confidential hearings shall not be live-streamed. If a party requests

to limit public access to a statutorily open to the public hearing, then a motion must be filed, describing the evidence and clearly identifying the overriding interest that will be prejudiced if the evidence is publicly presented. If an agreement cannot be obtained, then counsel or the unrepresented party's objection should be on the record. If the court grants the motion or sua sponte closes any hearing or any portion of any hearing, findings justifying closing the hearing or portion of the hearing should be made on the record.

IT IS SO ORDERED

May 28th, 2021

Hon. Daniel D. Creitz
Chief Judge; 31st Judicial District

Links to Judges YouTube Channels

- Judge Creitz
<https://www.youtube.com/channel/UCO6FQvI3I12QTfogLNaZ1w>
- Judge Davis
<https://www.youtube.com/channel/UCryj5N4ApZWbuGoHQHzCpXw>
- Judge Ahlquist
<https://www.youtube.com/channel/UCJMKITWiT6w11f7LuY-SEDw>
- Judge Mikulka
<https://www.youtube.com/channel/UCUrcic0JksFo9bWddkLdLBw>
- Judge Rogers
<https://www.youtube.com/channel/UC7jzaAykJJkhJl6m9B-VQuw>