COMMONWEALTH OF KENTUCKY

12TH JUDICIAL DISTRICT COVID-19 PLAN

PURSUANT TO KENTUCKY SUPREME COURT ORDER 2020-39

TEMPORARY COVID-19 RULES

Please be advised that due to the unprecedented COVID-19 pandemic and consistent with orders from Governor Beshear and the Kentucky Supreme Court, specifically KYSCT 2020-39, both Divisions of the Oldham, Henry, and Trimble County District Courts will be making the following changes EFFECTIVE Monday, June 1, 2020:

I. TRAFFIC, MISDEMEANOR AND FELONY COURT

1. All health and safety measures ordered by the Kentucky Supreme Court under 2020-39 shall be incorporated herein the same as if copied.

2. All traffic, misdemeanor and felony dockets will resume at their previously designated times for Henry, Trimble and Oldham Counties. The Court will set a special 8:30 docket for all high risk individuals to have their cases heard. The high risk individuals will need to contact the Clerk's office to obtain their new court date. All court participants are encouraged to download the Zoom app to their personal electronic devices to facilitate the opportunity to electronically appear and resolve cases.

3. The Court has determined that in-person attendance is required for arraignments for all non-prepayable traffic, violation, misdemeanor, and felony offenses, unless:
    a. The matter has been dismissed by the court prior to arraignment;
    b. Sufficient proof for dismissal of all charges has been submitted or filed with the court clerk;
    c. The defendant's right to attendance at arraignment has been waived in writing;
    d. The defendant has elected in writing to appear remotely through the use of video or telephonic communications;
    e. The defendant is high risk, as defined by SCT Order 2020-39, and has requested to appear remotely through the use of video or telephonic communications;
    f. The Commonwealth and the defendant, or counsel of record, have entered into a written and agreed upon disposition of all charges that includes an acknowledgement and/or waiver of the following (see RCr 8.28):
        i. Constitutional rights;
        ii. Potential enhancement upon subsequent offenses;
        iii. Ancillary consequences resulting from a plea of guilty; and
        iv. The right to appear for sentencing.
    g. The matter has been prepaid;
    h. The matter has been continued by the Court.

4. Personnel permitted in the courtroom at any one time shall be limited to:
    a. Judge
    b. Clerk
    c. Bailiffs
    d. County Attorney
    e. Public Defender
    f. Private Attorney
    g. Litigants

5. Only parties to a case shall be allowed to enter the courtroom. Any persons who are not parties, victims or necessary witnesses and have no business to conduct at the Judicial Center shall be directed to either remain in their vehicle or leave the premises. The only exception will be for a minor under the age of eighteen (18) and it is required that an adult be present for their proceeding.

6. The Court will have each litigant fill out an information form to provide the court with their name, current address, email address and working cell phone number. These forms will be distributed when the person checks into the building and there will be a basket to deposit the completed form when exiting the building. This form will provide the Court and court personnel with the contact information in the event any further proceedings will occur either telephonically or by video though Zoom or Skype.

7. On all dates that Court is scheduled to be in session, a Court Officer will be stationed at the entrance of each Judicial Center with a copy of the Court's docket listing the names of the persons scheduled to be in Court for that docket on that particular day.

8. The Court Officer will allow up to fifteen (15) people into the courtroom on a "first come, first serve" basis. The Court Officer will determine whether the person has an attorney and the name of the attorney. Any person wanting to be admitted into the courthouse who has an attorney must wait for his/her attorney to be present. The Court Officer will then allow the first up to fifteen (15) individuals to come into the courtroom and the Court Officer will determine where the person must sit. Litigants and attorneys shall only sit in designated seating in the courtroom to maintain social distancing and only approach the podium when their case is called.

9. If space allows, the Court Officer will direct up to the next ten (10) individuals to remain inside the Judicial Center in a waiting area while maintaining at least six (6) feet of distance from any other person.

10. If any documentation must be shown, the person must hand it to the Court Officer who will provide it to the county attorney, or the Judge as needed.

11. All documentation, including but not limited to proof of insurance, operator's license, vehicle registration, and counseling should be pre-filed and electronically signed when

possible. The Court encourages participants to use the e-filing system, email, and/or fax to file or deposit documents with the court.

a. Henry County [email/fax]: HenryCountyCourts@kycourts.net / 502-845-6738
b. Oldham County [email/fax]: OldhamCircuitClerk@kycourts.net / 502-222-3047
c. Trimble County [email/fax]: tcproof@kycourts.net / 502-255-4953

12. In the event a person must sign a document while in the courtroom, the Court Officer will make sure that the prosecutor and the Judge have signed it. The Court Officer will then hand it to the defendant or other parties and as they exit the courtroom there will be a table provided for them to sign the appropriate paperwork and a basket for them to deposit it. Parties are encouraged to bring their own pen, but in the event they do not the Court will provide a pen to obtain his or her signature. Thereafter, the pen will be deposited in another container to be sanitized.

13. All areas of the court facility with designated seating must be sprayed or wiped with a disinfectant before other people are allowed to enter the courtroom. The sanitizing will be repeated after persons have left the courtroom and before new persons are allowed to enter the courtroom. The person occupying the space will be handed the sanitizing agent and is responsible to clean the area and deposit any trash in the trash can provided as they exit the courtroom.

14. If a matter is not resolved at arraignment, the Court will schedule a Status conference at a later date. Consistent with Numerical Paragraph 3 of KYSCT Order 2020-39, status conferences will be scheduled in a manner to encourage the Commonwealth and the defendant, or counsel for the defendant, to resolve their case. Following the final Status conference, the court shall schedule the case for trial. Any motions requiring an evidentiary hearing shall be scheduled for a video conference unless the Court determines an in-person hearing is required.

15. If a party is experiencing any symptoms of Covid-19 or has been exposed to someone with Covid-19 within the last fourteen (14) days or has traveled outside the United States within the last fourteen (14) days, the Court will continue that person's case to a later date and have the Court Officer inform him or her of the new court date and also inform any other parties that are involved in the case.

16. Until the Court develops a live audio or video feed of the proceedings, any member of the public or media may request a digital copy of the courtroom proceeding subject to the following conditions:

    a. Be made by someone who is not authorized to attend in person per Administrative Order 2020-39;
    b. Be made prior to the date/time of the hearing; or

c. Indicate the requester wants "public access" to the proceeding or wants to attend the proceeding but is unable because it is either being held remotely or the requester is unable to attend the proceeding.

II. CIVIL DOCKETS

A. Civil Motions

All civil motions and status conferences will resume at the prior designated times on the days set by the local rules for Oldham, Henry, and Trimble Counties. All motions are encouraged to be heard by Zoom or Skype on a case by case basis. All motions and cases to be heard by Zoom or Skype shall be set for a time given by the District Judge's Administrative Assistant, Jennifer Raisor at (502) 222-7447 or email jenniferraisor@kycourts.net.

B. Probate Matters

1. All probate hearings shall be held by video or telephonically unless an in-person hearing is required or necessitated by the nature of the proceedings. When possible, all probate matters should be filed through the e-filing system, by fax, mail, or email. When filing a new probate matter or moving the court for a hearing on any subject, attorneys and litigants shall file with the court a working email address and telephone number for all known and/or required parties.
2. Following the filing of the petition, the Clerk or judicial assistant will contact the parties with the necessary contact information for the hearing.
3. All requests for the probate of a will shall require the original will to be filed with the Clerk prior to the scheduled hearing.
4. All limited powers of attorney for the purposes of receiving the fiduciary oath and signing the fiduciary bond for a personal representative shall be executed in the manner as required by statute, i.e. the document must executed by the personal representative in the presence of two (2) disinterested witnesses. KRS 457.050. A limited power of attorney shall be filed with the clerk prior to the hearing.
5. The fiduciary bond form shall be signed by the proposed personal representative on video in front of the Court or filed with the Clerk prior to the scheduled hearing.

C. Small Claims hearings

The Court is still awaiting further orders from the Kentucky Supreme Court.

D. Eviction Proceedings

The Court is still awaiting further orders from Governor Beshear and the Kentucky Supreme Court.

III. JURY TRIALS

All civil and criminal jury trials will be suspended until after August 1, 2020 per Supreme Court Administrative Order 2020-40. The District Court Judge will conduct a status conference after August 1 to set a jury trial date.

IV. DISABILITY MATTERS

1. No disability matters shall be scheduled for a jury trial until the Supreme Court removes the jury trial prohibition. If the Court determines a disability matter requires a jury trial, then the matter shall be continued for a video status hearing after August 1, 2020.

2. Requests for emergency appointment of a guardian must be accompanied by a letter from a doctor certifying an emergency and email addresses of all known parties. The court may conduct an emergency hearing by electronic means, if appropriate. Arrangements must be made for the Respondent to be available for the emergency hearing.

V. CASEY'S LAW OR TIM'S LAW

An email address for all known interested parties shall accompany petitions for involuntary hospitalization under Casey's Law or Tim's Law filed in accordance with current protocols and rules.

VI. JUVENILE DOCKET

The Court has determined that in-person attendance is required for all juvenile arraignments, adjudication hearings, and disposition hearings.

1. As juvenile matters are confidential, only parties to a case shall be allowed to enter the courtroom, including the juvenile, one (1) custodial parent or guardian, victim(s), witness(es), a representative of the Cabinet for Health and Family Services, and a representative of the Department of Juvenile Justice.
2. All other protocols and rules set forth in the Traffic and Criminal Court sections of these rules shall apply to juvenile proceedings.

Judge Diana E. Wheeler, 12th Judicial District Div. 1

Judge Jerry D. Crosby II, 12th Judicial District Div. 2

Judge Karen Conrad, 12th Judicial Circuit Div. 1

Judge Doreen Goodwin, 12th Judicial Circuit-Family Div. 2

COMMONWEALTH OF KENTUCKY
12TH JUDICIAL CIRCUIT
OLDHAM, HENRY TRIMBLE COUNTIES

GENERAL ORDER REGARDING THE CONDUCT OF BUSINESS AT THE COURTHOUSE
with correction to item 7a.

Kentucky Supreme Court Administrative Order 2020-39 (available on the Kentucky Court of Justice website) sets forth reopening policies. All rules, definitions and requirements are incorporated into these Local Rules, which are effective Monday, June 1,2020.

1. No entry without a mask.

2. No purses or bags unless containing medication or medical devices. Bring items to court in ziplock bag if too many to easily carry.

3. Where possible, the doors shall remain open. There shall be one entrance for each courthouse and a separate exit. Oldham – enter Main Street door (railroad track side); Henry – regular entrance from parking lot; Trimble – "old jail" side entrance.

4. No one shall be admitted other than the actual party and attorney, witnesses, victim, Commonwealth victim representative and probation officer. Public will be admitted as space permits however on criminal docket days the Court does not anticipate space until after most of the cases have been resolved.

Driver's license/testing applicants will be admitted as space permits, and pursuant to Rules and Procedures issued by the Circuit Clerk.

5. Commonwealth Attorneys are requested to appear with no more than two attorneys. Probation and Parole is requested to send one Probation Officer. Public Defenders shall appear if he/she has a case on, Commonwealth's victim representative may appear. In the event an additional Probation Officer is needed for purposes of testimony, the Court requests Commonwealth make arrangements to have any extra Probation Officers wait outside the courtroom where social distancing can be maintained, or be available by telephone.

6. Cleaning. Once Court is completed for the day, the regular cleaning crew will sanitize all chairs and surfaces including door knobs and light switches. The Judges' staff and clerks shall sanitize any electronics including keyboards, telephones, computer screens and the like. This shall be done at the beginning and end of each court session. The Court will also follow the recommended sanitation schedule for every two hours

In court, once a seat is vacated each new incoming Defendant will be provided a sanitizing wipe (if available) to clean his designated seat (in Oldham the deputies will clean the seats). The clerks are requested to maintain a supply of pens for signatures, which pens will not be reused until re-sanitized. Signed documents will be kept in a basket rather than handed back to court or other personnel. Used pens will be placed in a separate container to be re-sanitized.

7. Business with the Clerk's Office

A. Email and telephone contact. The clerks may be contacted by telephone at Oldham 502.222.0522; at Henry at

502.845.2868; at Trimble 502.255.3213 or at the following email accounts: Henry is henrycountycourts@kycourts.net; Trimble is tcinfo@kycourts.net and Oldham is oldhamcircuitclerk@kycourts.net .

B. Copies. If copies are needed, please call the Clerk or send a written request detailing what is needed. You will be contacted with an amount to pay for the copies and to let you know when the copies are ready for pick up.

C. File review. Call or email the Clerk and make an appointment to review a specific file. If you wish copies, you may obtain these upon payment.

D. Balances due. Call or email the Clerk. Make sure to give the Clerk your case number and name as it appears in the case.

E. New filings/lawsuits. These may be filed electronically (attorneys only) or by mail with required fee for filing and service. In addition these may be filed by placing in the drop box (located near entrance) with the required fee. The individual filing same is responsible for making sure all legal requirements are met (summons with necessary copies for each defendant, etc.) Call or email the Clerk for amounts due.

F. Motions, objections, other court filings. These may be filed by mail or placed in drop box. If by drop box keep one copy for your records and enclose the original with certification that you have sent a copy to the other party. These may also be electronically filed (attorneys only). A stamped

copy may be requested from the clerk but will not be sent automatically.

G. Record checkers. The Court cannot allow additional people in the courthouse at present but in the event persons wish to check records by using the Court's computer, the Court can make available a website where this information may be found, which website is no charge.

8. Use of restrooms.

The Court requests in Henry and Trimble County that only one person at a time go in to the restroom. The Clerks are requested to block all but one stall and sink. In Oldham County there are larger restrooms on the second floor and the Clerks are requested to block all but two stalls closing the one in the middle. First and third floor restrooms are single use.

9. Medically Fragile or vulnerable population.

The Court will make reasonable accommodation for medically fragile or vulnerable populations including age 65 and older and for disabled persons. The Court can hear these cases, if needed, at a time determined by the Court and with notification by the clerk and the individual may attend remotely either by Zoom or by telephone. It is important to provide the Court with phone number or email of the vulnerable person so that contact might be made.

10. Persons who medically are unable to wear masks. The Court will make accommodation per above.

11. The Court intends that the number of persons admitted at a time on the District, Circuit, and Family Court dockets will comply with the number of available seats in the courtroom. In Henry County, there is extra seating outside the courtroom which the Court plans to use on an experimental basis as a "staging area" for individuals who are awaiting their turn in the courtroom. No one will be allowed in any of the courtrooms until all individuals previously heard by the Court and admitted have left the courtroom and the building. In the event problems arise due to lack of social distancing or otherwise, the Court will discontinue the use of seating outside the courtroom.

DATE: June 24, **2020.**

KAREN A. CONRAD,
CHIEF CIRCUIT JUDGE
12TH JUDICIAL CIRCUIT

DOREEN S. GOODWIN,
FAMILY COURT JUDGE
12th JUDICIAL CIRCUIT

JERRY D. CROSBY,
CHIEF DISTRICT JUDGE
12TH JUDICIAL CIRCUIT

DIANA E. WHEELER
DISTRICT JUDGE
12th JUDICIAL CIRCUIT