COMMONWEALTH OF KENTUCKY
44TH JUDICIAL CIRCUIT
BELL CIRCUIT COURT

AMENDED GENERAL ORDER[1] OF June 2nd, 2020 IN REGARD TO CORONAVIRUS EMERGENCY: EXPANSION OF IN-PERSON COURT SERVICES

In accordance with the Supreme Court Orders issued on May 29th, 2020[2], the following protocols shall be implemented for all courts in Bell County **beginning June 2nd, 2020** and effective **until further Orders of Court**;

A. JUDICIAL CENTER PROTOCOL FOR EXPANDING IN-PERSON COURT SERVICES

1. Courts will resume hearing civil and criminal matters using available telephonic and video technology to conduct proceedings remotely. If a judge determines in his or her discretion that a matter requires in-person attendance, the following health and safety precautions will be followed:

a) **Building capacity** shall be monitored and kept below maximum at all times in the judicial center. Security shall establish a baseline number of how many employees work in the building and then keep a running count of each person entering and exiting the building that is not an employee.

b) **Courtroom attendance** for the matter being heard will be limited to attorneys, parties, witnesses, and other necessary persons as determined by the presiding judge **but in no event can attendance exceed 33% of the courtroom's occupancy capacity while also observing the 6-foot social distancing rule**. Bailiffs shall enforce this Kentucky Supreme Court mandate.

> Bell County Circuit Courtroom's modified maximum capacity at 33% is 38 persons. Bell County District Courtroom's modified maximum capacity at 33% is 45 persons. **33% capacity must be adjusted downward to accommodate the 6-foot social distancing rule at discretion of judge and/or bailiff.**

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[1] Amended General Order of June 1st, 2020 mirrors the "GENERAL ORDER OF May 28TH, 2020 IN REGARD TO CORONAVIRUS EMERGENCY: EXPANSION OF IN-PERSON COURT SERVICES" except the sections that have been added or amended to comply with the most recent Kentucky Supreme Court mandates.

[2] Supreme Court Administrative Orders 2020-43 and 2020-44

c) Courtroom seating shall be demarked consistent with 33% capacity and the 6-foot social distancing rule and will be enforced by bailiffs.

d) Access to view courtroom proceedings that are not otherwise confidential will be provided to members of the public and media by digital recording upon request. If public access is to be provided via a recording, the request should:
   i. Be made by someone who is not authorized to attend the proceeding in-person per Administrative Order 2020-39;
   ii. Be made prior to the date/time of the hearing; and
   iii. Indicate that they want "public access" to the proceeding or otherwise indicate that they want to attend the proceeding but are unable to because it is being conducted remotely or they are unable to enter the court facility or courtroom.

e) Proceedings will be scheduled by individual courts so that they minimize the number of persons entering, exiting, or gathering at a certain time. Respective courts will provide forms or information specific to that court's remote hearing appearances.

f) Entrance security will encourage the use of the right side of the stairs to persons as they enter the judicial center; if a person chooses to use the elevator, security will ensure compliance with the one-occupant rule. Floor stickers or colored tape will be placed 6 feet apart outside the elevator so that persons will know where to stand if waiting in line. If a space does not allow for appropriate social distancing, it must be closed by the bailiffs.

g) **At the end of a court proceeding or after each use**, microphones, tables, and other exposed surfaces will be thoroughly cleaned and disinfected as provided by the KCOJ COVID-19 Health and Safety Requirements[3]. Spray bottles, rags, and gloves will be available at the podiums and/or counsel tables and users will wipe down their own space after each use. Bailiffs will ensure compliance. **Further**, frequently touched surfaces, such as door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops; paper towel dispensers; desktops; handrails; counters; tables; and cabinets and knobs **will be sanitized no less than daily by the judicial center cleaning staff** pursuant to the Covid-19 cleaning protocol[4].The Circuit Court Clerk will be responsible for delivering this Order and the Covid-19 cleaning protocol to the respective cleaning crews.

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[3] https://kycourts.gov/Documents/covid19/kcojsafetyrequirementsguide_05152020.pdf

[4] CDC Coronavirus Environmental Cleaning and Disinfection Recommendations https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html

Finally, Bailiffs will wipe down, with disinfectant, hand wands and personal item baskets used for screening **after every use.**

2. Signage shall be posted outside of all entry points of all court facilities and offices advising the public, officials, and employees that they **shall not enter or remain in the building unless they are wearing a protective facial covering** such as a mask, scarf, bandana, or other cloth which covers the nose and mouth. If a member of the public seeks entry but does not have an appropriate facial covering and their business cannot be accomplished remotely, then a facial covering will be provided by court security. If no facial coverings are available, defendant will be provided with contact information[5] for the circuit clerk's office and instructed that the circuit clerk must be contacted within 48 hours or else the person may be subject to a failure to appear. **Further, persons shall not enter the building if, upon questioning by court security[6], it is determined that they have**:

a) Experienced any symptoms of COVID-19, including cough; shortness of breath or difficulty breathing; fever; chills; muscle pain; sore throat; or new loss of taste or smell;
b) Been asked to self-quarantine by any doctor, hospital, or health agency; or
c) Been diagnosed with COVID-19 within the past 14 days or had contact with anyone who has been diagnosed with COVID-19 within the past 14 days.

3. **In-person services are strictly limited** as follows:

a) Entrance to court facilities is limited to attorneys, parties, witnesses, persons ordered by the presiding judge to appear at in-person hearings, attorneys or parties to a case[7] who need access to a physical case file and have scheduled an appointment with the Office of Circuit Court Clerk and persons seeking:
    - emergency protective orders
    - interpersonal protective orders
    - emergency custody orders
    - orders under KRS 222.430 et seq. (Casey's law)
    - involuntary commitments under KRS Chapter 202A and KRS Chapter 645
b) Entrance security **may** take non-touch temperature of persons as they enter the judicial center. If a person's temperature reads greater than 100 degrees Fahrenheit, the person will be denied entry and security will provide the person with contact information for the circuit clerk's office and instruct the person that the circuit clerk must be contacted within 48

[5] Court Contact Sheet (Form 2020-01), see page 11.
[6] And given court contact sheet on page 11.
[7] After June 15, 2020, all other individuals who need access to a physical case file may also schedule an appointment with the Office of Circuit Court Clerk.

hours or else the person may be subject to a failure to appear. Security should secure a copy of each court's docket for the day and make note on the docket of all persons who are turned away. A member of the public who is not granted access **for any reason** to a court facility, courtroom, or court office is not relieved of his or her obligation to make payment or report to or appear before the court. He or she will be provided a contact card[8] with instructions on how to make arrangements to reschedule, appear remotely, or otherwise complete his or her business to avoid possible adverse action being taken by the court.

c) Floor signage or colored tape outside the clerk's office will dictate patrons' separation of 6 feet and will be enforced by court security and bailiffs.
d) All filings must be mailed, eFiled, or conventionally filed using the drop-box provided outside.
e) Payments for court costs, fines, fees, and restitution can be made by money order mailed to the circuit clerk's office or by cash or credit card by calling the Bell Circuit Clerk's office at (606) 337-9900. Pre-payable citations can be paid online through ePay at kycourts.gov.
f) Persons posting bond should contact the Bell Circuit Clerk's office for further instruction.
g) Limited driver's license services will resume June 1, 2020, as provided in Kentucky Transportation Cabinet Order 2020-215. Individuals seeking entry into court facilities for this purpose must have a scheduled appointment through the circuit clerk's office. Permit testing and road testing will resume at the discretion of the Kentucky State Police.
h) The information displayed in Form 1 on page 10 of this Order will be available to the public and will inform about what to expect during this phased reopening.

4. All employees who are not scheduled to telework are required to self-administer a temperature and health check before reporting to work. Any employee who is exhibiting symptoms of COVID-19 as identified by the CDC (cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell); has been asked to self-quarantine by any doctor, hospital, or health agency; or has been diagnosed with or has had contact with anyone who has been diagnosed with COVID-19 within the past 14 days must stay home and self-report this information as provided in the KCOJ COVID-19 Health and Safety Requirements[9].

5. The Farmer Helton Judicial Center has been instructed by the undersigned Chief Circuit Judge, on June 2nd, 2020, to close all public water fountains.

6. Judges and the Circuit Court Clerk must collaborate to ensure there is sufficient staff to cover in-person dockets within the 50% staffing limitation mandated by this Court.

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[8] See court contact sheet on page 11.

[9] https://kycourts.gov/Documents/covid19/kcojsafetyrequirementsguide_05152020.pdf

7. **All judicial center officials, employees, and staff are required to wear facial coverings** while interacting with co-workers or in common areas of the building (e.g. hallways, elevators, conference rooms, bathrooms, entries, and exits). This includes open area workspaces. Facial coverings must be consistent with the Dress Code Policy contained in section 3.09 of the KCOJ Personnel Policies[10] and must allow the wearer to maintain a professional appearance. Facial coverings (mask or face shield) are not required to be worn when officials or employees are alone in their **personal office** or if doing so would pose a serious threat to their health or safety.[11] Judges are not required to wear a facial covering while conducting court proceedings if doing so will impede their ability to make a clear record and a protective plexiglass barrier is installed.

8. Members of the public are prohibited from bringing non-transparent purses or other similarly enclosed bags into any court facility that does not have an X-ray machine, unless items in the bag are medically necessary. Any items that are necessary for the individual's business before the court should be carried by hand or brought in an open container capable of visual inspection.

9. **Grand Juries:**

a) Grand Jury will meet in the large ventilated spaces of the circuit or district courtrooms when they are not otherwise in use or in the Hearing Room. The number of persons in these designated areas must not exceed the 33% occupancy capacity and must respect the 6-foot social distancing rule (see numbers in Section A.1.b.) Everyone involved in the proceedings will maintain 6 feet of spacing throughout the proceedings. All recording devices will be secured to OFF and cameras shall be covered to maintain the secrecy of the proceedings. Officers or other witnesses may wait for presentment in an anteroom, jury room, or courtroom not otherwise in use where 6 feet of social distancing can be maintained. Commonwealth Attorneys and their staff shall clean witness tables, microphones, and other apparatuses after each presentment. **Grand jurors, prosecutors, and officers should provide their own masks and masks are required to be worn by all parties.** The judicial center cleaning crew or circuit clerk's office shall be notified at the conclusion of the grand jury day to facilitate additional cleaning and disinfecting.

b) Upon request of the Commonwealth Attorney and approval by the Court, a grand jury may be conducted remotely via available telephonic or video technology, subject to applicable Rules of Criminal Procedure. The

[10] "Employees must dress appropriately and maintain a professional appearance during all working hours and at all functions while representing the KCOJ. Prohibited attire includes, but is not limited to, clothing exhibiting inappropriate language or graphic depictions of hate, discrimination, sexual innuendo, alcohol, or drugs..." KCOJ Section 3.09.

[11] This requires a doctor's finding and may require said employee to be temporarily denied access to the building unless restrictive conditions are met including remaining in your office/desk area while not wearing a facial covering.

indictment may be returned to the circuit judge using available technology. If a grand juror is unable to participate remotely, the chief circuit judge shall excuse that grand juror either temporarily or permanently and swear another grand juror from the current jury panel in place of the one excused.

c) Access to view the return of indictments pursuant to RCr 5.20 must be provided to members of the public and media. Access will be provided by digital recording upon request (see Section A.1.d.).

d) Any case where the 60-day period in RCr 5.22(3) or an extension thereof was tolled by operation of Kentucky Supreme Court Administrative Order 2020-28 shall be presented to the grand jury on or before July 30, 2020. The Commonwealth's Attorney is encouraged to give priority to cases where the defendant is in custody and proceedings have been tolled by the Supreme Court's response to the COVID-19 emergency.

e) Grand jurors who are ill, caring for someone who is ill, or in a high-risk category shall have their jury service postponed to a later date upon notification to the Circuit Clerk's Office or the Commonwealth Attorney. The court or clerk should document the reason as COVID-19 for the postponement of service.

f) Grand jurors who are unable to wear a facial covering because doing so would pose a serious threat to their health or safety shall have their jury service postponed to a later date. The court should document the reason as COVID-19 for the postponement of service.

g) Grand jurors who were laid off, became unemployed, or otherwise suffered an economic loss due to the COVID-19 pandemic, and who show they would suffer further economic loss as a result of jury service, shall be excused for undue hardship. They shall make this request through the Commonwealth Attorney or Circuit Clerk's Office.

10. The Law library shall be temporarily restricted to 4 people at a time.

11. Court security personnel shall assist the judges in implementing and enforcing all social distancing requirements inside the courtrooms and throughout the court facility.

12. **Master Commissioner sales (judicial sales) pursuant to Administrative Procedures of the Court of Justice (AP) Part IV, can resume after June 1st, 2020.**

a) All sales conducted in-person must meet the health and safety measures required by Kentucky Supreme Court Administrative Order 2020-43, "Kentucky Court of Justice Response to COVID-19 Emergency – Health and Safety Requirements for the Expansion of Court Operations,"

including but not limited to, the requirements for facial coverings, limited occupancy capacity, social distancing, and cleaning/disinfecting. The Chief Circuit Judge must ensure that the master commissioner is observing and enforcing the health and safety measures required by Administrative Order 2020-43. Notwithstanding AP Part IV, Section 5(3), when conducting sales in-person, the advertisement shall include a brief description of the COVID-19 health and safety measures that must be observed. **THEREFORE;**

b) The sales must abide by all requirements laid out in orders from the Kentucky Supreme Court including 6 feet of social distancing between each person. **At the request of the Master Commissioner**, a bailiff or sheriff's deputy will be assigned to each sale to enforce these conditions. These sales shall not take place inside a judicial center. It is preferred that these sales take place in an outdoor venue. All sales must comply with the 6-foot social distancing rule and **those gathering must wear masks** as provided in this Order. If a member of the public seeks to participate but does not have an appropriate facial covering, then a facial covering **may, if available,** be provided by the Master Commissioner, bailiff, or sheriff's deputy, as a reasonable expense of the sale. Any advertisements shall include the requirements for 6 feet of social distancing and any other venue health requirements including masks.

B. BELL CIRCUIT COURT PROTOCOL:

"CIRCUIT COURT"

1. CIRCUIT CRIMINAL/CIVIL:

Criminal- All in-custody defendants will be heard remotely. Defendants that are out of custody shall be allowed to appear remotely provided notice is given to the Court at a minimum of 2 business days prior to the docketed proceeding. Attorneys that wish to have their client appear in-person should file the appropriate motion or contact the Circuit Judge's Office immediately by calling (606) 337-5949 or email

REQUIRED INFORMATION FOR REMOTE CIVIL/CRIMINAL HEARINGS

All pro-se parties, represented parties, attorneys, and any other persons appearing remotely must provide the following information to the office of the presiding judge at bellcircuitcourt@kycourts.net:

- Name
- Phone Number
- Email Address
- Case Number
- Hearing date and time

bellcircuitcourt@kycourts.net. Defendants that are without an attorney or acting *pro se* will receive court notices.

Civil- All attorneys and parties with scheduled civil hearings will appear remotely. Any party who wishes to attend in-person shall provide the required information listed above to the Circuit Judge's Office immediately. Attorneys and/or parties seeking to appear in-person may file a motion for leave of court.

2. Persons who fall into a high-risk category[12] will be allowed to participate remotely in accordance with Supreme Court Order 2020-43 Section 1b but must communicate this need and coordinate with the office of the presiding judge.

3. Any court order requiring the remote attendance of a party or his or her counsel shall have the same effect as if requiring attendance in person, and failure to appear remotely as ordered by a court may be grounds for sanctions.

4. Judges are not required to wear a facial covering while conducting court proceedings if either a protective plexiglass barrier is installed or no parties or KCOJ employees are seated within a six-foot radius of the judge and do not approach the bench during the proceeding[13]. Protective plexiglass barriers are being, or have been, installed in Bell County so as not to impede a judge's ability to make a clear record.

5. Courtroom attendance shall be limited to court personnel, attorneys, probation officers, pretrial officers, and defendants that have been permitted by the Court to appear in-person. No other parties will be allowed in the courtroom during said hearings, and persons shall be screened at the Judicial Center entrances by court security/bailiffs.

6. All Circuit jury trials in the Bell Circuit Court have been postponed until after August 1, 2020. In-custody criminal trials should take priority over all other matters.

7.

a) **Show Cause Dockets.** All show cause dockets for payment of fines and court costs shall be scheduled no sooner than November 1, 2020.
b) **Bench Warrants.** Judges should continue to issue summonses or notices to appear in lieu of bench warrants, unless the judge has good cause to believe a defendant will not appear voluntarily upon a summons or notice to appear.

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[12] According to the CDC, high-risk individuals include: people 65 years and older; people who live in a nursing home or long-term care facility; people of all ages with underlying medical conditions, particularly if not well controlled, including people with chronic lung disease or moderate to severe asthma; people who have serious heart conditions; people who are immunocompromised; people with severe obesity; people with diabetes; people with chronic kidney disease undergoing dialysis; and people with liver disease.

[13] KCOJ Covid-19 Health and Safety Requirements (https://kycourts.gov/Documents/covid19/kcojsafetyrequirementsguide_05152020.pdf)

8. COURT SCHEDULING:

All Motion Hours for Bell Circuit Court are to remain on the current existing schedule.

FORM 1

Judicial Center judges, staff, and security, pursuant to Kentucky Supreme Court Orders 2020-39 and 2020-40, have implemented social distancing measures to make coming into and exiting the building safe and efficient. Please read carefully to know what to expect when you arrive.

- **Entrance is limited** to individuals with a scheduled court hearing, jurors, and those filing emergency protective orders, interpersonal protective orders, and emergency custody orders. Do not bring family members, children, friends, etc. to court with you. Only case parties and witnesses will be allowed entry, unless otherwise ordered.
- **Your temperature may be taken** with a non-touch thermometer and you will be denied entry and instructed to contact the circuit clerk if your temperature is above 100 degrees.
- **Be prepared to stand in line at six feet apart** to enter the building. Check the weather forecast and dress accordingly.
- **You must wear a mask** or other face covering to enter the building and wear it at all times while inside. This includes jurors, law enforcement, judicial center employees, and attorneys.
- Members of the public are prohibited from bringing non-transparent purses or other similarly enclosed bags into any court facility that **does not have an X-ray machine**, unless items in the bag are medically necessary.
- Any items that are necessary for an individual's business before the court should be carried by hand or brought in an open container **capable of visual inspection**.
- **Be aware of signage** directing the flow of foot traffic and designated waiting areas.
- In some areas, there will be decals on the floor designating where to stand to keep at least **six (6) feet away** from others.
- **Elevators will be limited to one (1) person** at a time. Using the stairs is strongly encouraged.
- **Bailiffs will be positioned throughout** the building to direct and move along foot traffic. Please do not congregate in any area of the building.
- If you need to meet with your attorney prior to or after your hearing, please do so either outside of the courtroom where six (6) feet of separation can be observed or outside of the building – **attorney conference rooms will be closed**.

FORM 2

CONTACT INFORMATION
44TH JUDICIAL
FORM 2020-01

Please provide the following contact information and **PRINT LEGIBLY:**

1. Name:_____
   First, middle, and last name

2. Telephone number where the court can contact me by call or text:

   _____

3. E-mail address where I can receive e-mails:

   _____

I have a case in:

☐ Circuit Court

Case number, if known: _____

☐ District Court

Case number, if known: _____

☐ Family Court

Case number, if known: _____

BE AWARE THAT a member of the public who is not granted access to a court facility, courtroom, or court office is NOT relieved of his or her obligation to make payment or report to or appear before the court. He or she must make arrangements by calling the Bell Circuit Clerk's office (606) 337-9900 to reschedule, appear remotely, or otherwise complete his or her business to avoid possible adverse action being taken by the court.

_____ Date

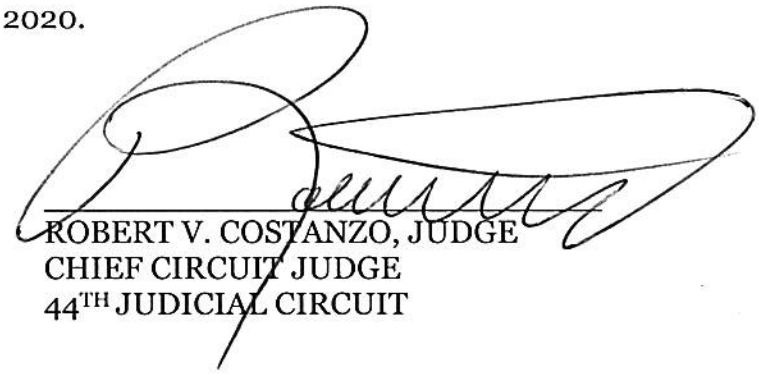
_____ Signature

TEAR AND KEEP CARD

COURT APPEARANCE NOTICE

You are hereby ordered to contact the Bell Circuit Clerk's Office at (606) 337-9900 within two (2) business days to receive your next court date. Failure to do so may result in a failure to appear.

Given under my hand this 2 day of June, 2020.



ROBERT V. COSTANZO, JUDGE
CHIEF CIRCUIT JUDGE
44TH JUDICIAL CIRCUIT

DISTRIBUTION:

Hon. Karen Greene Blondell Commonwealth's Attorney	(_____)
Department of Public Advocacy	(_____)
Bell County Sheriff's Department	(_____)
Bell County Master Commissioner	(_____)
Bell County Bar Association	(_____)

(_____)
Clerk's Initials & Date