COMMONWEALTH OF KENTUCKY
HOPKINS COUNTY JUSTICE CENTER
LOCAL COVID-19 PROTOCOLS
Effective June 1, 2020

In conjunction with the Supreme Court of Kentucky Administrative Orders regarding the COVID-19 pandemic, a task force to address reopening issues was formed. The members of the task force for the Hopkins County Courts are: Judge Christopher Oglesby (Circuit, Division 1), Judge Susan McClure (Circuit, Division 2, Family Court), Judge David Massamore (District, Division 1) and Judge William Whitledge (District, Division 2), the Circuit Clerk (Tanya Bowman), a registered nurse from the Hopkins County Health Department (Amy Wortham), the Hopkins County Commonwealth's Attorney (Kathy Senter), the director of the Madisonville Department of Public Advocacy (James Chamberlain), an Assistant Hopkins County Attorney (Lee Riddle), a civil attorney selected by the Hopkins County Bar Association officers (J. Keith Cartwright), the Hopkins County Jailer (Mike Lewis), and a Hopkins County Sheriff's Deputy (Danny Hopper, court security). With the agreement of the four judges, the local task force adopts these protocols for health and safety measures which shall be implemented beginning June 1, 2020 and continuing until further notice. These rules are intended to complement the Supreme Court Orders and should not be construed to conflict with those orders. If a conflict between this order and Supreme Court Orders arises, the Kentucky Supreme Court Orders prevail.

1. **Facility:**
   a. Persons allowed access—Pursuant to Kentucky Supreme Court Order 2020-39, only parties, attorneys, witnesses, persons ordered by a judge to appear, and persons seeking protective orders or emergency custody orders shall be permitted to enter the facility for court proceedings. Additional persons may be allowed access for renewal or replacement of licenses as listed in section 2 of these protocols.

   b. Dress Code—Pursuant to Kentucky Supreme Court Order 2020-39 (KYSCt 2020-39), all persons entering the facility must wear a facial covering which completely covers both the nose and mouth of the individual. This can be a mask, a bandana, a scarf, a t-shirt, or other covering which completely covers the nose and mouth and which remains in place without assistance.

      If someone attempts to enter the building without a facial covering, court security shall obtain that individual's telephone number and direct that person to wait in his or her vehicle for directions. The telephone number shall be relayed to the appropriate judge's staff or to the circuit clerk.

      No purses or enclosed bags may be brought into the facility pursuant to KYSCt 2020-39. Any items necessary for a court appearance must be hand carried.

      Other dress code provisions of the building remain unchanged. These are posted outside all courtrooms and at the entrance of the facility.

c. Distancing---All KCOJ employees and court security personnel shall encourage persons inside the building to maintain the social distancing required by the Kentucky Supreme Court or recommended by the Center for Disease Control (currently 6 feet).

d. Employees—All KCOJ employees and court security personnel shall abide by the provisions of effective Kentucky Supreme Court Orders regarding masks, distancing, and health screening.

e. Waiting areas and conference rooms are closed to public traffic.

f. Public elevators are limited to one person per lift. A security officer (maintaining social distancing) will be stationed outside the elevator to ensure compliance.

g. Public restrooms are limited to one person at a time in each restroom. Some restrooms may be closed in areas of the building not frequently used by the public. The public restroom on the first floor of the facility shall remain open subject to these restrictions.

h. Secured hallways shall be closed to all persons other than KCOJ employees, cleaning staff, and maintenance managers. Persons may not congregate in any areas of the facility.

i. Hand sanitizer stations and floor directions shall be placed at locations pursuant to the Supreme Court Orders and the Governor's Healthy at Work protocols.

j. Maximum Occupancy--Pursuant to KYSCt 2020-39, the maximum occupancy of the facility must be limited to 33% at all times; this equates to a maximum of 212 total persons in the Hopkins County Judicial Center at any given time.

The estimated number of judges, staff, and employees in the building on a normal day is approximately 55. Assuming that 18 of these persons are teleworking, the number present during the pandemic is estimated at 37, leaving a possible combined public presence at 175 in the building at any given time during this pandemic.

The number of persons in each courtroom must be limited to 33% maximum occupancy including all judges, judicial staff, clerks, attorneys, and security personnel. Given the requirements of social distancing (6-feet radius), courtroom galleries shall therefore be limited at all times as follows:

District Courtroom One—22 persons;
District Courtroom Two—22 persons;
Circuit Courtroom One—46 persons;
Circuit Courtroom Two—30 persons; and
Family Courtroom—11 persons.

2. **Protocols for the operation of the Circuit Clerk's office:**

a. Payments: Cash is not currently accepted. Court costs, filing fees, fines, restitution, etc. may be remitted in the following manner:

i. Placing a money order or check in the drop box with the case number and an explanation of the purpose of the payment written on the instrument;

ii. Mailing a money order or check with the case number to the Hopkins Circuit Clerk at 120 East Center Street, Madisonville, KY 42431;

iii. Paying by credit or debit card by telephoning 270-824-7501; or

iv. Paying online through ePay at www.kycourts.net.

b. Filing a petition for a protective order or emergency custody order:
A person wishing to file one or more of these petitions shall speak with the court security officer at the front entrance of the building. The court security officer will provide the Petitioner with a preassembled packet containing instructions and the blank petition for completion. The Petitioner shall be instructed to complete the petition without signing it and to return to the front entrance where a deputy clerk will witness the signature while maintaining appropriate social distancing and while wearing a facial covering. The clerk's office shall then process the petitions as is ordinarily done.

c. Filing a probate petition, a small claims action, or an eviction (*pro se* litigants):
A person wishing to file a petition to probate an estate shall speak with the court security officer at the front entrance of the building. The court security officer will provide the Petitioner with a preassembled package containing instructions and the necessary forms for completion. The completed petition may be filed by depositing into the drop box with the appropriate fees paid by check or money order or may be mailed. The clerk's office shall then process the petitions as is regularly done. Timelines for evictions are governed by Orders from the Kentucky Supreme Court.

d. Filing motions, pleadings, and all other documents (whether *pro se* or with counsel):
Pursuant to KYSCt 2020-39, all filings must be mailed (120 East Center Street, Madisonville, KY 42431), eFiled, or deposited in the drop box on the front of the building. Fees and costs must be included. Individuals may contact the Circuit Clerk at 270-824-7501 to obtain the amount of costs and filing fees.

e. Filings made by the Cabinet for Health and Family Services:
The agency shall contact the appropriate judge's office to advise of the filing and shall deposit the signed, verified documents in the drop box. These petitions and filings shall be processed as is ordinarily done.

f. Bonds—Individuals may contact the clerk's office at 270-824-7501 for instructions.

g. Operators' licenses (pursuant to information provided by KYDOT):
At this time, KSP is not currently conducting any on-the-road testing. Written tests will be given at a remote location determined by Kentucky Department of Transportation and will be administered by appointment.

License renewals and replacements will be provided by appointment with the Circuit Clerk; appointments are made by calling 270-824-7501.

3. **Juries:**

Pursuant to KYSCt 2020-39, no jury trials shall be conducted until at least August 1, 2020. The Hopkins County Courts will not conduct jury trials until such time as the Kentucky Supreme Court provides guidance and permission to do so.

The Grand Jury empaneled for the January 2020 term shall continue to serve until such time as a new Grand Jury is empaneled or until they have served 20 days, whichever first occurs.

The Grand Jury shall continue to meet in the Grand Jury Room of the Hopkins County Justice Center which has sufficient space to allow for social distancing. The Commonwealth Attorney has adapted the format of the suite to ensure that social distancing can be maintained. Only necessary persons shall be present in the Grand Jury Room; all shall maintain appropriate social distancing. If possible, the return of indictments may be made in the Grand Jury Room to avoid unnecessary movement.

Witnesses to Grand Jury proceedings shall wait outside in their vehicles until the Commonwealth Attorney notifies them individually to enter the building. Upon entering the building, the witness shall maintain social distancing and shall wear a facial covering. Upon completion of the testimony, the witness shall exit the building. No person shall remain in the waiting area of the Grand Jury Suite.

Doors to the secured hallway shall remain closed during the Grand Jury proceedings.

4. **Protocols for Hopkins County Detention Center:**

a. No inmate shall be transported to the Hopkins County Judicial Center during this pandemic without the approval of the Chief Circuit Judge.

b. Inmates shall appear through electronic means, preferably ZOOM or Skype to allow attorneys and parties to view the proceedings visually. The HCDC shall be given sufficient notice by the Court of the date and time of the proceedings. If possible, said notice shall be given at least one business day in advance. The HCDC uses hopkinsfed@outlook.com as the address for ZOOM

appearances. This email address is not monitored for any communication other than for these appearances.

c. If the Court or an inmate's attorney determines that it is necessary for the inmate to view electronic evidence, the attorney shall provide a flash drive with that evidence to the HDCD. Staff from the HCDC shall then provide the inmate with access to viewing that evidence.

d. If the Court or an inmate's attorney determines that it is necessary for the inmate to have certain documents, the attorney shall send those documents by electronic mail to booking@hopkinscountyjail.com. The HCDC staff shall then print those documents and provide them to the inmate.

e. If the Court or an inmate's attorney determines that it is necessary for the inmate to view a document without receiving a hard copy, the attorney shall send that document by electronic mail to mike.lewis@hopkinscountyjail.com and sundie.thomas@hopkinscountyjail.com. Jailer Mike Lewis and Captain Sundie Thomas shall permit the inmate to view the document and shall then shred the document.

f. If an inmate's attorney determines that certain documents should be viewed by the inmate and that those documents are confidential, attorney-client work product, the attorney should notify the Chief Circuit Judge who shall develop a case-specific mechanism to permit the viewing and to maintain the confidentiality.

5. **Protocols for Drug Court:** Drug Court proceedings, reviews, and meetings shall be held remotely using Skype, Zoom, or another remote platform available to all parties.

6. **Protocols for Court Designated Workers for Juveniles:** Staff shall maintain teleworking protocols implemented by the Administrative Office of the Courts. Meetings with juveniles, family members, complainants, and other involved persons shall be held remotely if possible. If an in-person meeting is required, all participants shall abide by the social distancing and mask requirements previously mentioned.

7. **Protocols for Pretrial Officers:** Staff shall maintain protocols implemented by the Administrative Office of the Courts and the Supreme Court of Kentucky. When in the facility, staff shall maintain social distancing and mask requirements previously listed.

8. **Protocols for District Courts:**

a. Schedule—With the exception of necessary juvenile and mental health matters, District Court Judges will alternate weeks for in-person court proceedings to coordinate with the schedule of the deputy clerks normally assigned to that division.

b. Pretrial requirements—To the extent possible, attorneys should attempt to reach a resolution of the case prior to the court date and shall take necessary steps to submit documentation that will reduce the number of cases on the docket and persons in the facility.

c. Court proceedings for in-custody criminal defendants shall be conducted remotely using the technology available at the holding facility. Attorneys shall be permitted to participate remotely.

d. Court proceedings for out-of-custody criminal defendants may be conducted in-person if the judge determines necessary, so long as the provisions of these protocols and the Kentucky Supreme Court COVID-19 Orders are maintained. Attorneys and parties shall be permitted to participate remotely if they so request.

e. Court proceedings for civil matters will be conducted remotely unless the presiding judge determines a remote hearing is not possible.

f. Whenever an in-person proceeding is conducted, attorneys and parties shall be permitted to appear remotely if they so request.

g. Whenever any proceeding is conducted by a remote platform, the presiding judge will ensure that all parties and attorneys have access to the platform and shall relay the appropriate protocol for submitting exhibits or proof prior to the hearing.

h. Courtrooms—The gallery of each district courtroom shall not exceed 22 persons who shall be seated at least 6 feet apart. The presiding judge will call the cases from the aisle to the wall to avoid persons stepping over other persons seated in the same row. After the exit of each group of litigants, the pews shall be cleaned by cleaning staff with an approved disinfectant before the next group of parties is permitted to enter the courtroom.

The judges shall ensure that the equipment and spaces in the litigation area of the courtrooms are cleaned at regular intervals throughout the proceedings.

All persons in the courtroom shall maintain social distancing, and pursuant to KYSCt 2020-39, shall remain at least 10 feet from the bench.

Court security officers will operate the entrance and exit doors to avoid multiple persons touching the handles.

i. Dockets—The district judges will divide their dockets to assign time slots for groups of cases to maintain the limitation of persons in the courtrooms. All parties will be notified of any change in the time or date of the scheduled court appearance.

j. Trials---No jury trials shall be conducted until allowed by the Kentucky Supreme Court. Only parties, attorneys, and witnesses shall be permitted to appear for in-person bench trials. The limits of maximum occupancy and the requirements of social distancing must be met. Persons shall be permitted to appear remotely pursuant to KYSCt 2020-39.

k. Proof to Be Presented---During in-person proceedings, all items to be presented to the Court for observation (e.g. insurance cards, operators' license, etc.) shall be placed in a plastic bag by the security officer before handing that item to the judge. The judge will provide the security officer with appropriate bags.

l. If proceedings are initiated that require a time-sensitive scheduling by the Court, the appropriate judicial staff will contact the party filing the action to arrange a hearing. The assigned judge shall ensure that all protocols and Supreme Court Orders are followed and shall communicate the platform for conducting the proceeding.

9. <u>Protocols for Circuit Courts and Family Court:</u>

a. Pretrial requirements—To the extent possible, attorneys should attempt to reach a resolution of the case prior to the court date and shall take necessary steps to submit documentation that will reduce the number of cases on the dockets and persons in the facility. If an attorney is aware that the presiding judge may have a conflict of interest in sitting on a particular case, that attorney shall notify the judge's staff and opposing counsel to request that the action be removed from the docket prior to the scheduled court date.

b. All court proceedings, criminal and civil, shall be conducted remotely pursuant to the Kentucky Supreme Court Order 2020-39. The presiding judge will ensure that all parties and attorneys have access to the platform to be used and are notified of the date and time of the court proceeding.

Court proceedings may be conducted in-person only if the judge determines that conducting those proceedings remotely is not possible and so long as the provisions of these protocols and the Kentucky Supreme Court COVID-19 Orders are maintained. Attorneys and parties shall be permitted to participate remotely if they so request.

Court proceedings for in-custody criminal defendants shall be conducted remotely using the technology available at the holding facility. Attorneys shall be permitted to participate remotely.

c. Use of Courtrooms for In-Person Proceedings—If the presiding judge determines that a remote hearing is not possible, the gallery of the Circuit Courtroom to be used shall not exceed the maximum occupancy sizes previously listed. The presiding judge will call the cases from the aisle to the wall to avoid persons stepping over other persons seated in the same row. After the exit of each group of litigants, the pews shall be cleaned by cleaning staff with an approved disinfectant before the next group of parties enters the courtroom.

The judges shall ensure that the equipment and spaces in the litigation area of the courtrooms are cleaned at regular intervals throughout the proceedings.

All persons in the courtroom shall maintain social distancing, and pursuant to KYSCt 2020-39, shall remain at least 10 feet from the bench.

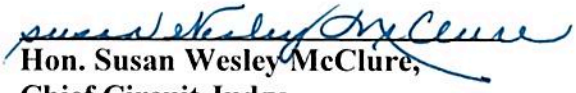
Court security officers will operate the entrance and exit doors to avoid multiple persons touching the handles.

d. Parties to domestic violence actions or to IV-D child support matters shall report to the front entrance of the facility where they will provide a valid telephone number to court security. Court security shall instruct the litigants to return to their vehicles in the parking lot and to wait to be called. Court security shall relay the telephone number to the judge's staff. Hearings shall be conducted by teleconference call or another platform accessible to the litigants and their attorneys. If any of the parties are represented by counsel, that attorney shall notify the court staff of that entry of appearance and valid contact information to appear remotely.

e. If proceedings are initiated that require a time-sensitive scheduling by the Court, the appropriate judicial staff will contact the party filing the action to arrange a hearing. The assigned judge shall ensure that all protocols and Supreme Court Orders are followed and shall communicate the platform for conducting the proceeding.

All Hopkins Circuit Judges and Hopkins District Judges have participated in the construction of these protocols and concur with the entry. These protocols shall be effective June 1, 2020, and until further notice or order of the Court.

Entered this the 27th day of May 2020.



Hon. Susan Wesley McClure,
Chief Circuit Judge