COMMONWEALTH OF KENTUCKY
BOONE AND GALLATIN DISTRICT COURTS

GENERAL ORDER
TO ESTABLISH PROTOCOL
FOR REOPENING COURTS AS OF JUNE 1, 2020

Due to the State of Emergency declared by Governor Beshear by Executive Order 2020-215 and consistent with Supreme Court of Kentucky Order 2020-39 issued by Chief Justice Minton on May 15, 2020, **BEGINNING JUNE 1, 2020**, IT IS HEREBY ORDERED AND ADJUDGED as follows:

NOTICE: ALL **IN-PERSON** PROCEEDINGS SHALL COMPLY WITH THE FOLLOWING HEALTH AND SAFETY PRECAUTIONS.

(1) Courthouse attendance for the matter being heard must be limited to attorneys, parties, witnesses, and other necessary persons as determined by the judge but in **no event can attendance exceed 33% of the courtroom's occupancy capacity**. Specifically, **entrance to courthouse facilities is limited** to attorneys, parties, witnesses, persons ordered by the judge to appear at in-person hearings, and individuals seeking emergency protective orders, interpersonal protective orders, and emergency custody orders.
(2) Individuals who fall into a high-risk category must be allowed to participate remotely.
(3) Appropriate **social distancing** must be followed by those in attendance. Designated seating and placement for participants, including attorneys, will be required during all proceedings.
(4) Access to view any courtroom proceeding that is not otherwise confidential will be provided to the public and media by digital recording.
(5) Following each docket, the microphones, tables and other exposed surfaces will be thoroughly cleaned and disinfected as provided by the KCOJ COVID-19 Health and Safety Requirements.
(6) All filings, including intended exhibits for hearings, must be mailed, eFiled, or conventionally filed using a drop-box provided outside the judicial facility.
(7) Payments for court costs, fines, fees, and restitution can be made by money order mailed to the circuit clerk's office or by credit/debit card by calling the circuit clerk's office. Pre-payable citations can be paid online through ePay at kycourts.gov. Individuals posting bond should contact the Boone or Gallatin Circuit Court Clerk's office for further information. **No in-person payments will be accepted at the circuit clerk's office.**

DISTRICT COURT CRIMINAL ARRAIGNMENT DOCKETS

1. That all cases involving persons IN CUSTODY on Felony, Misdemeanor and Traffic Arraignment dockets will continue to be heard via remote *SKYPE for Business* video

conferencing daily at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

2. That all cases involving persons OUT OF CUSTODY on Felony, Misdemeanor and Traffic Arraignment dockets will be heard **IN-PERSON** at the Boone County Justice Center or the Gallatin County Courthouse at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

   However, if individuals OUT OF CUSTODY, with or without counsel, can provide at least 48 hour notice to the district judge and county attorney that they intend to **appear remotely** – giving email addresses for all persons required for the hearing – their case will be heard via *SKYPE for Business* video conferencing at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT CRIMINAL PRETRIAL CONFERENCE, PRELIMINARY HEARING AND BENCH TRIAL DOCKETS

3. That Pretrial Conferences, Preliminary Hearings and Bench Trials for individuals IN CUSTODY will be held as regularly scheduled by the Court via remote *SKYPE for Business* video conferencing unless otherwise authorized by the Court. Pretrial Conferences, Preliminary Hearings and Bench Trials in Boone District Court are scheduled on Mondays, Thursdays and Fridays at 8:30 a.m. and Pretrial Conferences, Preliminary Hearings and Bench Trials in Gallatin District Court are scheduled for Tuesdays at 10:00 a.m.

4. That Pretrial Conferences, Preliminary Hearings and Bench Trials for individuals OUT OF CUSTODY will be heard **IN-PERSON** at the Boone County Justice Center or the Gallatin County Courthouse at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

   However, if individuals OUT OF CUSTODY, with or without counsel, can provide at least 48 hour notice to the district judge and county attorney that they intend to **appear remotely** – giving email addresses for all persons required for the hearing – their case will be heard via *SKYPE for Business* video conferencing at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT CRIMINAL JURY TRIAL DOCKETS

5. That all Jury Trials currently scheduled through August 31, 2020 shall be continued and court notice for the new court dates will be issued by the Boone or Gallatin Circuit Court Clerk. Boone District Jury Orientation is currently scheduled for August 31, 2020.

DISTRICT COURT JUVENILE DOCKETS

6. That any and all IN CUSTODY Juvenile Detention Hearings/Arraignments shall be heard as scheduled at 9:00 a.m. in the designated courtroom via remote *SKYPE for Business* video conferencing unless otherwise authorized by the Court.

7. That all OUT OF CUSTODY Juvenile Arraignments, Pretrial/Status Conferences, Dispositions and Adjudications will be heard **IN-PERSON** at the Boone County Justice Center or the Gallatin County Courthouse at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT MENTAL HEALTH 202A & 202B CASES AND ADULT GUARDIANSHIPS

8. That all Mental Health 202A and 202B cases will be heard as scheduled via remote *SKYPE for Business* video conferencing unless otherwise ordered by the Court.

9. That all Emergency Guardianship Hearings will be heard as scheduled via remote *SKYPE for Business* video conferencing unless otherwise ordered by the Court.

10. That all Adult Guardianship Jury Trials shall be scheduled at the regularly appointed docket times pursuant to court notice issued by the Boone or Gallatin Circuit Court Clerk. If the parties agree to **waive** the Jury Trial, the Bench Trial for Adult Guardianships will be heard via remote *SKYPE for Business* video conferencing at the date and time of the previously scheduled Jury Trial. Notice for said Bench Trials will be issued at least seven (7) days prior to a designated trial date docket by the Boone or Gallatin Circuit Court Clerk.

    Any other Adult Guardianship cases requiring a Jury Trial shall be heard after September 1, 2020 at the regularly appointed docket times pursuant to notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT FORCIBLE DETAINER/EVICTION DOCKETS

11. That all Forcible Detainer/Eviction dockets shall be continued until further orders of the Governor or Kentucky Supreme Court and court notice for the new court dates will be issued by the Boone or Gallatin Circuit Court Clerk.

12. That consistent with the Orders of Governor Beshear and the Kentucky Supreme Court, no Forcible Detainer/Eviction cases shall be permitted to be filed until thirty (30) days AFTER the rescinding of said Orders.

DISTRICT COURT PROBATE DOCKETS

13. That all Probate Dockets beginning June 1, 2020 will be heard via remote *SKYPE for Business* video conferencing at the regularly appointed docket times pursuant to notice issued by the Boone or Gallatin Circuit Court Clerk.

14. The following protocol shall be used to open Probate Cases with the appointment of Executor/Administrator:

a. Petitioner must file Petition and Fiduciary Bond Form signed by applicant and Attorney along with payment of all fees including the Boone or Gallatin County Clerk Will Recording Fee upon filing or by phone.
b. Petitioner must file Original Will and/or Codicil(s), if any, by hand delivering to the drop box installed at the Boone County Justice Center or Gallatin County Courthouse during regular business hours. At the time of hand-delivery, please call the Boone Circuit Court Clerk at (859)448-2950, Ext. 10818 or Gallatin Circuit Court Clerk at (859)567-5241 to give notice of its delivery and to secure its filing with the Court.
c. Petitioner must include a Supplement to filing which sets forth the name, address, email address and phone number of the Petitioner, Attorney(s), Heirs-at-Law and any other known parties-of-interest.
d. Once properly filed, the case will be reviewed by a District Judge and if acceptable, scheduled for hearing via remote *SKYPE for Business* video conferencing at the convenience of the Court and all parties.
e. If approved for remote video hearing, the designated clerk will schedule its date and time with the following conditions:
    i. The remote video hearing shall be scheduled at least ten (10) days after filing to ensure proper notice is given to all parties and
    ii. The Court will send the invitation to join the remote video hearing to Petitioner, Attorney(s) and any other parties-of-interest.
f. The Petitioner, through counsel, shall send notice of the remote video hearing to all heirs and parties-of-interest by both regular mail and email.
    i. Said notice shall include the date and time of the remote video hearing and that said hearing will be conducted via *SKYPE for Business* platform.

15. That any and all other hearings for Probate Matters, post appointment, will be heard via *Skype for Business* video conferencing at the regularly appointed docket times pursuant to notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT CIVIL AND SMALL CLAIMS DOCKETS

16. That all Civil and Small Claims Dockets will be heard **IN-PERSON** at the Boone County Justice Center or the Gallatin County Courthouse at the regularly appointed docket times pursuant to notice issued by the Boone or Gallatin Circuit Court Clerk.

DISTRICT COURT SPECIALTY COURTS

17. That all Veterans Court Dockets shall be heard as regularly scheduled via remote *SKYPE for Business* video conferencing.

18. That all Veterans Court participants shall continue to meet with staff and comply with orders of the Court.

EFFECTIVE JUNE 1, 2020, this General Order shall replace previous Orders issued by Boone and Gallatin District Courts pertaining to the current state of emergency and published by the Northern Kentucky Bar Association.

SO ORDERED THIS 27th DAY OF May, 2020.

Judge Jeffrey S. Smith
Boone and Gallatin District Court

Judge Marcia L. Thomas
Boone and Gallatin District Court

Cc: Boone and Gallatin Circuit Judges
Boone and Gallatin Circuit Court Clerks
Boone and Gallatin County Sheriffs
Boone and Gallatin County Attorneys
Boone and Gallatin Commonwealth Attorney
Boone and Gallatin County Public Defender
Boone and Gallatin County Jailers
Boone and Gallatin Pretrial Services
Boone and Gallatin Court Designated Workers
Boone and Gallatin DJJ
Northern Kentucky Regional Juvenile Detention Center
CHFS Guardianship Services and Adult Protection Services
St. Elizabeth Hospital Florence
Sun Behavioral Health
Northern Kentucky Bar Association