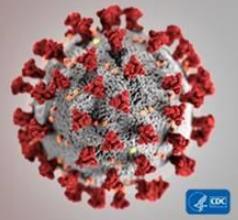


Updates on COVID-19 and Court Operations

What justices, judges and circuit court clerks need to know



CDC: [Coronavirus Disease 2019 \(COVID-19\)](#) • Kentucky Public Health: [COVID-19](#) • KCOJ: [COVID-19 and the Courts](#)

Update for August 28, 2020

Justices, Judges and Circuit Court Clerks:

Supreme Court enters amended orders related to in-person testimony and evictions

Today the Supreme Court entered two amended administrative orders related to in-person testimony and evictions. Highlights of those orders are below.

In-Person Testimony

[Administrative Order 2020-63](#) amends Administrative Order 2020-55, Health and Safety Requirements. The amendment clarifies that a judge may, in his or her discretion, allow a party, attorney or witness to temporarily remove his or her facial covering if it is necessary to create a clear record and if sufficient social distancing can be maintained while the facial covering is removed. This change was in response to questions from several judges who expressed concerns about muffled testimony as they prepared to conduct jury trials.

Evictions

[Administrative Order 2020-64](#) amends Administrative Order 2020-56, Expansion of Court Services. The amendment converts the eviction proceeding set by the summons into an initial hearing and inserts a 14-day pause before the trial can be set to allow landlords and tenants sufficient time to access available rental assistance through the Healthy at Home Eviction Prevention Fund. The fund will be accessible by landlords and tenants as soon as the landlord sends the tenant the notice to vacate, which should reduce the number of eviction cases that are filed. The 14-day pause provided in this order is intended to benefit the landlords and tenants who were unaware of or could not access the Healthy at Home Eviction Prevention Fund before appearing in court for the eviction proceeding.

I am hopeful that the availability of eviction-relief funds will resolve most, if not all, of the nonpayment issues that come before you. As many of you are aware, the governor's most recent Executive Order contains other provisions relating to evictions – most notably, a 30-day notice requirement, a mandatory “meet and confer” between the landlord and tenant, and a suspension on late fees and penalties.

I can't offer direction on how that Executive Order affects the way you handle any eviction proceedings that do not settle except to emphasize what you already know: Follow the law and rule on any issues that arise in a manner consistent with your understanding of what Kentucky law requires.



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