

Supreme Court of Kentucky

2021-17

AMENDED ORDER

**IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19
EMERGENCY: COURT PROCEEDINGS**

In light of the continued decline of COVID-19 cases, hospitalizations, and deaths in Kentucky and the ready availability of COVID-19 vaccines, along with recent recommendations from the Centers for Disease Control for fully vaccinated individuals, the Supreme Court, under Section 116 of the Constitution and Supreme Court Rule 1.010, hereby orders that Administrative Order 2021-07 is replaced in its entirety and the following measures shall be implemented until further Order of this Court:

A. JURIES

1. **Petit Jurors and Jury Trials.** Jury trials may resume if the trial judge determines in his or her discretion, after having considered local public health conditions and the health and safety requirements established by the Supreme Court in Administrative Order 2021-16, that it is advisable. Attorneys shall be granted a reasonable continuance if they or their clients are ill or at an increased risk of severe illness from COVID-19.¹
2. **Grand Jury Proceedings.** Any case where the 60-day period in RCr 5.22(3) or an extension thereof was tolled by operation of Administrative Order 2020-72 or 2021-02 shall be presented to the grand jury on or before May 30, 2021. 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.

¹ According to the CDC, individuals who are fully vaccinated are not considered to be at risk for severe illness from COVID-19. There is limited information regarding vaccine protection in people who are immunocompromised or suffer from immunocompromising conditions, and thus, these individuals may still be at high risk for severe illness from COVID-19 once vaccinated. Individuals who are not fully vaccinated who are considered to be at high-risk for severe illness from COVID-19 include: older adults, individuals who are pregnant, and adults of any age with cancer, chronic kidney disease, chronic lung diseases, dementia or other neurological conditions, diabetes (Type 1 and Type 2), Down syndrome, heart conditions, HIV infection, immunocompromised state (weakened immune system), liver disease, overweight and obesity (body mass index [BMI] of 25 kg/m² or higher), sickle cell disease or thalassemia, smoking (current or former), solid organ or blood stem cell transplant, stroke or cerebrovascular disease, and substance use disorders.

3. **Postponements and Excusals.** Juror qualification forms shall be reviewed prior to the first day of service. Any jurors who are ill, are at an increased risk of severe illness from COVID-19 or have tested positive for COVID-19 in the last 14 days shall have their service postponed or be excused prior to reporting.

B. CIVIL MATTERS

1. **Evictions.** All actions for residential and commercial eviction may proceed, subject to the following:
 - a. All evictions from residential premises for nonpayment of rent shall comply with the provisions of The Centers for Disease Control and Prevention (CDC) order entitled “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19” (CDC No. 2021-06718, 86 FR 16731 (March 31, 2021)), which currently expires June 30, 2021.
 - b. In consideration of the creation of the Healthy at Home Eviction Relief Fund, and to ensure landlords and tenants have access to available rental assistance, the following procedures shall apply to evictions from residential premises in which only nonpayment of rent is alleged:
 - i. At the initial hearing noticed by the summons, the parties must be verbally informed that funding agencies may be able to assist tenants with payment for some or all of the rent that is owed and assist landlords with recouping missed or late rent payments. Parties should also be informed that a judgment is not necessary to receive assistance.
 - ii. Following the initial hearing, all eviction proceedings shall be held in abeyance for fourteen days and rescheduled for the next available court date unless the landlord dismisses the complaint, with or without prejudice; a tenant who was properly served under KRS 383.210 or KRS 383.540 fails to appear; or the parties reach an agreement and file an AOC-218, Forcible Detainer Settlement Agreement, before the fourteen days expire.
 - iii. A request for a jury trial must be made within fourteen days of the initial hearing.

- iv. Proceedings must be held in accordance with Administrative Order 2021-16.
 - c. Nothing in this Order shall be interpreted to suspend or otherwise excuse an individual's duty to pay rent or to comply with any other obligation under tenancy.
2. **Judicial Sales.** Master Commissioners are authorized to conduct judicial sales remotely or in-person.

C. CRIMINAL MATTERS

All show cause dockets for payment of fines and court costs shall be rescheduled no sooner than July 1, 2021.

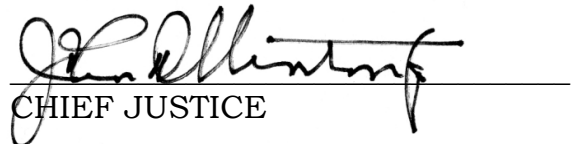
D. NIGHT TRAFFIC COURT

Night traffic courts in Jefferson County are suspended until further notice.

Concerns regarding local application or implementation of this order may be submitted to COVIDcourtconcerns@kycourts.net.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 18th day of May 2021.


CHIEF JUSTICE

All sitting; all concur.