

Supreme Court of Kentucky

2022-12

ORDER

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

In light of the changing guidance from the Centers for Disease Control (CDC) relating to COVID-19, the Supreme Court, under Section 116 of the Kentucky Constitution and Supreme Court Rule 1.010, hereby orders that Administrative Orders 2020-65, In re: Custody and Parenting Time Orders; 2021-27, In re: Kentucky Court of Justice Response to COVID-19 Emergency: Health and Safety Requirements; and 2021-28, In Re: Kentucky Court of Justice Response to COVID-19 Emergency: Court Proceedings, are hereby rescinded in their entirety.

The Supreme Court recognizes that COVID-19 prevention measures may differ based on each location's "COVID-19 Community Level."¹ Accordingly, judges and clerks are encouraged to make decisions regarding appropriate COVID-19 precautions based upon their county's community level and the following guidance:

A. COURT FACILITIES AND PROCEEDINGS

The Chief Circuit Judge, in consultation with the Chief District Judge and the Circuit Court Clerk, retains the authority to require facial coverings within a judicial facility.

Judges retain the discretion to require individuals in the courtroom to use facial coverings generally or in specific cases, particularly cases involving persons who are at an increased risk of severe illness from COVID-19. Circuit Court Clerks may require the use of facial coverings among employees and visitors to their office.

Any person desiring to wear a facial covering in a judicial facility shall be allowed to do so.

Courts are encouraged to continue hearing civil and criminal matters using available telephonic and video technology to conduct proceedings remotely. Any remote proceedings shall be scheduled through the judge's office.

¹ COVID-19 Community Levels are ranked low, medium or high and are based upon a community's COVID-19 hospitalizations and new cases.

Any court order, summons, or subpoena 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.

B. EVICTIONS AND FORECLOSURES

Judges are encouraged to notify landlords and tenants of the availability of rent and utility assistance through the statewide Healthy at Home Eviction Relief Fund and through local programs in Fayette and Jefferson counties. Judges are also encouraged to notify homeowners in foreclosure of the availability of funding through the Kentucky Homeowner Assistance Fund.

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

All sitting; all concur.

Entered this 22nd day of March 2022.


CHIEF JUSTICE