

## 6<sup>TH</sup> JUDICIAL CIRCUIT

### COVID 19 PROCEDURES

March 15, 2020

1. Citizens who need to conduct business at the county clerk of court, for matters not requiring a court appearance, should first utilize options available online and by mail. Many commonly requested forms for divorce, temporary protection orders, small claims, and criminal cases are available online at <https://ujslawhelp.sd.gov/>. If your trip to the courthouse is to pay a fine, online payment options are available. A list of clerk of court numbers can be found at [https://uj.s.d.gov/Sixth\\_Circuit/Links/Counties.aspx](https://uj.s.d.gov/Sixth_Circuit/Links/Counties.aspx).

2. The following persons are **not allowed into the courtroom, jury room, or offices of the clerk of court, court services, judges, or administrative staff** unless otherwise ordered by the Court upon a showing of exceptional circumstances:

- a. Anyone who has been diagnosed with COVID-19 or who has been within 10 feet of any other person diagnosed with COVID-19 within the previous fourteen-day period.
- b. Anyone with a fever over 100.4°F. Persons may be required to submit to a temperature check before admittance.
- c. Anyone with a cough unless wearing a mask.
- d. Children aged 10 and under unless a witness or party to the proceeding.

3. Most court proceedings are open to spectators. However, persons not directly involved in the proceeding as a party, witness, or victim are encouraged to stay away from the courthouse to minimize the number of people gathering and potentially spreading COVID-19.

4. Persons within the following categories are at higher risk of complications from COVID-19: **(1) Over 60 years of age; (2) Underlying conditions including heart disease, lung disease or diabetes; (3) Weakened immune systems; or (4) Pregnancy.** If a high-risk individual is a plaintiff, defendant, lawyer or witness in a case currently scheduled for trial or hearing, a continuance of at least thirty days will be granted upon request. Requests for continuance may be made via phone to the clerk of court or to the judge's court reporter or court recorder. A list of clerk of court numbers can be found at [https://uj.s.d.gov/Sixth\\_Circuit/Links/Counties.aspx](https://uj.s.d.gov/Sixth_Circuit/Links/Counties.aspx). Requests may also be made in writing or orally at the time of hearing. After thirty days, requests for an additional continuance must be accompanied by proof of age or condition and will be determined by the Court on a case by case basis.

5. Defendants in custody will be given priority in scheduling for all trials and hearings, and those within the high-risk categories referenced in paragraph 4 shall be given highest priority. An in-custody defendant shall appear via ITV whenever possible to minimize potential

transmission of COVID-19 into the jail. In the event an in-custody defendant cannot appear via ITV, steps shall be taken to minimize the defendant's time in the courtroom and potential contact with other individuals.

6. The Court will conduct hearings via ITV or phone whenever possible, or continue jury trials as necessary, to minimize the number of persons required to gather in the courtroom and court offices.

7. If a trial or hearing in a criminal case is continued pursuant to the policies stated herein to protect participants from the spread of COVID-19, the Court shall make a finding of good cause on the record for purposes of the 180 day calculation.

8. Potential jurors falling into the high-risk categories listed in paragraph 4 may request to be excused from jury duty via letter to the clerk of court. The Court shall timely consider each request and inform the juror of the time period of excusal. Jurors may also make this request orally during jury selection.

9. Judges and court staff shall adopt in court practices and schedules to encourage social distancing and smaller groups of participants and spectators.

10. All courtrooms, court offices, and adjacent areas shall be regularly cleaned and disinfected.

11. If the presiding judge deems it necessary to cancel court or close court offices because of an increased threat from COVID-19, notice will be provided through the UJS notification system. Individuals may sign up for notifications at <https://ujnotifications.sd.gov/Register.aspx>

12. These policies shall be effective on the date below and remain in effect until modified or repealed by the presiding judge.

Dated this 15<sup>th</sup> day of March, 2020.



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Bobbi J. Rank  
Presiding Judge  
6<sup>th</sup> Judicial Circuit