

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE
COUNTY OF MARICOPA**

IN THE MATTER OF RESTRICTING)	ADMINISTRATIVE ORDER
PHYSICAL ACCESS TO COURT)	NO. 2020-060
FACILITIES USED BY JUSTICE)	
COURTS DUE TO A PUBLIC HEALTH)	(Replacing Administrative Order
EMERGENCY)	No. 2020-038 & 2020-048)
)	

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide public health emergency on March 11, 2020. On March 30, 2020, the Governor issued Executive Order 2020-18 urging Arizona residents to stay-at-home other than for essential activities. The Executive Order acknowledges that legal and court processes constitute essential activities.

The Chief Justice of the Supreme Court of the State of Arizona issued Administrative Order No. 2020-48 addressing measures to be taken by the Judicial Branch to conduct business in a manner that reduces the risk associated with this public health emergency. The Order directed the presiding superior court judge of each county to determine how in-person proceedings are to be conducted in each of the county's courtrooms under conditions that protect the health and safety of participants. In response to this Administrative Order, the Superior Court issued Administrative Order 2020-038 on March 19, 2020, and Administrative Order 2020-048 on March 26, 2020, which restricted physical access by limiting the types of in-person proceedings conducted in court facilities used by the justice courts.

On April 6, 2020, the Chief Justice of the Supreme Court of the State of Arizona issued Administrative Order No. 2020-60, which revises, clarifies and adds to the direction provided in Administrative Order No. 2020-48. The Order again directs the presiding superior court judge of each county to determine how in-person proceedings are to be conducted in each of the county's courtrooms under conditions that protect the health and safety of all participants. This includes limiting in-person courtroom contact as much as possible by using available technologies, following the social distancing recommendations of the Center for Disease Control, and limiting the number of persons present in a courtroom.

As a result of continuing spread of COVID-19 and pursuant to Supreme Court Administrative Order No. 2020-60 and Supreme Court Administrative Order No. 2017-79:

IT IS ORDERED that Administrative Orders 2020-038 and 2020-048 are replaced by this Order.

IT IS ORDERED that from the date of this Order through May 1, 2020, with limited exceptions as set forth below, no in-person proceeding will occur in the justice courts in Maricopa County. The justice courts will continue to hold telephonic hearings and remain available to process all case types and non-appearance proceedings. For more information on operations of the justice courts for the duration of the public health emergency, please contact the assigned justice court. Contact information is available at:

<http://justicecourts.maricopa.gov/Locations/index.aspx>

IT IS FURTHER ORDERED the Presiding Judge of the Superior Court may grant contractors and other individuals access to any court facility.

IT IS FURTHER ORDERED that for the duration of this order, physical access to county buildings in which the justice courts are located in Maricopa County shall be restricted to attendance at in-person court hearings set forth in the Exceptions section of this order. This does not include court locations inside the Civic Center in Gilbert, Arizona. This order does not apply to employees of the Judicial Branch, employees of the Clerk of the Superior Court, employees of the Maricopa County Sheriff's Office or Maricopa County employees housed within a court building.

IT IS FURTHER ORDERED that attendance at any in-person event held pursuant to one of the limited exceptions below will be limited to parties, witnesses, victims, sheriff's deputies, detention officers, law enforcement officers, parents in juvenile delinquency matters and lawyers, who are participating in the hearing or event.

IT IS FURTHER ORDERED from the date of this Order through May 1, 2020, with limited exceptions, all court documents will be transmitted by email, fax, or mail to the assigned justice court. Exceptions will be made for emergency proceedings, evictions, change in release conditions, in-custody requests, protective orders, and similar emergency matters. Documents being submitted to the court under one of these exceptions may be placed in a drop box located outside of the court building if available.

IT IS FURTHER ORDERED that any person intending to be present at a court proceeding who has been diagnosed with COVID-19, has exposure to COVID-19, or has symptoms of COVID-19 as defined by the U.S. Center for Disease Control must contact the assigned justice court via telephone, fax, or email to arrange to appear telephonically, have their appearance waived, or have the proceeding reset.

EXCEPTIONS

IT IS ORDERED any in-person appearance may be converted to a telephonic or video appearance by order of any judicial officer of the assigned justice court, unless an in-person appearance is required by statute or the Arizona or United States Constitution.

CRIMINAL:

IT IS ORDERED that all initial appearances for in-custody defendants will proceed in-person by video through the use of the Video Arraignment Center unless otherwise directed by the court, except for initial appearances on summonses, which may be continued.

IT IS FURTHER ORDERED that all release hearings for in-custody defendants will proceed in-person by video through the use of the Video Arraignment Center, unless otherwise directed by the court.

IT IS FURTHER ORDERED that the justice courts may permit defendants to enter not-guilty pleas by mail and to receive notice of a court date by mail as provided in Rule 14.2(c) of the Arizona Rules of Criminal Procedure. The justice courts will provide out-of-custody defendants a waiver of counsel form by mail, if applicable.

IT IS FURTHER ORDERED that all in-custody sentencings will proceed in-person by video through the use of the Video Arraignment Court.

IT IS FURTHER ORDERED that the justice courts should encourage the parties to conduct pretrial conferences telephonically.

IT IS FURTHER ORDERED that all other requests for an in-person hearing in any criminal case before the assigned justice court in Maricopa County must be made by motion with the caption "Request for Emergency Hearing" and must be mailed, faxed or emailed to the assigned justice court. Requests for hearings must include an explanation regarding why an in-person hearing is required.

JUVENILE:

IT IS FURTHER ORDERED that matters filed against a juvenile in the justice courts are to be processed in accordance with the applicable legal authorities under the direction of the assigned justice court so as to limit in-person proceeding to the maximum extent possible.

CIVIL:

IT IS ORDERED that an individual seeking an eviction/forcible detainer, alleging an irreparable and immediate breach may contact the assigned justice court to request an emergency telephonic hearing date. The summons must provide notice to the defendant of the ability to appear at the hearing telephonically.

IT IS FURTHER ORDERED that any debtor requesting a hearing on a writ of garnishment may file an "Emergency Request for Hearing" with the assigned justice court, and the debtor may request a telephonic hearing date.

IT IS FURTHER ORDERED that any judgment creditor seeking a judgment against a garnishee or an order of continuing lien may either mail, fax, or email the application to the assigned court or use drop boxes, housed at the assigned justice court, if available.

PROTECTIVE ORDERS:

IT IS ORDERED that any individual seeking an order of protection may complete a petition through AZPOINT at <https://azpoint.azcourts.gov/> and may file a petition for such relief by calling the justice court and providing the confirmation number assigned in AZPOINT. Any contested hearings will be conducted as directed by further court order. Such hearings may be conducted in-person, telephonically, or through video conferencing.

IT IS FURTHER ORDERED that any individual seeking an injunction against harassment may complete a petition through AZPOINT at <https://azpoint.azcourts.gov/> and may file a petition for such relief by calling the justice court and providing the confirmation number assigned in AZPOINT. In using the AZPOINT system the individual will need to complete a petition for an Order of Protection since the portal does not recognize petitions for Injunctions Against Harassment. At the time it is filed with the court the judicial officer will determine if it is to remain classified as a petition for an Order of Protection or should be reclassified as an Injunction Against Harassment. If the latter applies the judicial officer will convert the petition and proceed to adjudicate it. Any contested hearings will be conducted as directed by further court order. Such hearings may be conducted in-person, telephonically, or through video conferencing.

IT IS FURTHER ORDERED that any individual seeking injunction against workplace harassment may file a petition for such relief with the justice court. Any contested hearings will be conducted as directed by further court order. Such hearings may be conducted in-person, telephonically, or through video conferencing.

WEDDINGS:

IT IS FURTHER ORDERED that a couple seeking issuance of a marriage license from a justice court may enter the court building for that purpose. The couple should first contact the justice court by telephone to confirm that marriage licenses are issued at that location before coming to the court.

IT IS FURTHER ORDERED that wedding ceremonies are prohibited from being held inside a county court facility for the duration of the Supreme Court Administrative Order No. 2020-60 and during any extension of that Order. This does not preclude wedding ceremonies from being performed on the outside grounds of the building.

IT IS FURTHER ORDERED that for individuals arriving for a wedding ceremony to be held outside a court building, only one person from a wedding party may temporarily enter the building for the purpose of checking in for the ceremony. Witnesses shall sign the marriage license someplace other than inside the court building.

OTHER:

IT IS FURTHER ORDERED that prior to any justice court physically closing its doors to the public, the Justice of the Peace for that court will first confer with the Presiding Judge of Superior Court.

IT IS FURTHER ORDERED that the Justices of the Peace schedule their staff so as to allow for sufficient space in their work areas to allow staff to maintain at least a six-foot distance from other staff members as recommended by the Center for Disease Control and to minimize staff contact with the public to the extent possible in maintaining mandated services.

IT IS FURTHER ORDERED that Justices of the Peace may allow their staff to remove from the facility papers on file with the court in order to allow the staff to work from home during this public health emergency. The Justice of the Peace should provide instructions to their staff to ensure that access to the documents are appropriately limited to court personnel only and that the documents will be promptly returned to the court as needed to comply with Supreme Court Rule 123.

IT IS FURTHER ORDERED that requests by media to appear at a proceeding by telephone or in person must be made to the Public Information Officer, Scott Davis, via email at scott.davis@JBAZMC.maricopa.gov to coordinate such an appearance.

IT IS FURTHER ORDERED that any person not authorized to attend a proceeding may submit a request by mail, fax, or email to the assigned justice court for permission to attend.

IT IS FURTHER ORDERED that on a case-by-case basis, the Presiding Justice of the Peace may designate additional proceedings as in-person proceedings.

IT IS FURTHER ORDERED that individuals who are unable to make payments online, by telephone, or by mail may enter a court building to submit a payment.

IT IS FURTHER ORDERED that any person may request recordings of proceedings in the justice courts by contacting the assigned justice court by mail, fax, or email.

Dated this 13th day of April, 2020

/s/ Joseph C. Welty
Hon. Joseph C. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Justices of the Peace in Maricopa County
Jim Morrow, Justice Courts Administrator
Hon. Allister Adel, Maricopa County Attorney
Christina Phillis, Office of Public Defense Services
Dave Byers, Administrative Office of the Courts
Raymond Billotte, Judicial Branch Administrator
Karen Westover, Regional Courts Administrator
Sean Gibbs, Director of Security