

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

IN THE MATTER OF RESTRICTING
PHYSICAL ACCESS TO COURT
FACILITIES DUE TO A PUBLIC HEALTH
EMERGENCY

ADMINISTRATIVE ORDER
No. 2020-065

Due to concern for the spread of COVID-19 in the general population, the Chief Justice of the Supreme Court of the State of Arizona issued Administrative Orders 2020-48, 2020-60, and 2020-70 to address 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 Orders direct the presiding superior court judge of each county to determine how in-person proceedings are to be conducted in each of the county's court rooms under conditions that protect the health and safety of participants and the public. In response to the Supreme Court's Administrative Orders, on March 23, 2020 Superior Court Administrative Order 2020-043 was issued restricting physical access to court facilities by limiting the types of in-person proceedings conducted in court facilities.

On April 1, 2020, the Superior Court issued Administrative Order 2020-055, which revised and replaced Administrative Order 2020-043 and further restricted in-person proceedings to only those proceedings where legal mandates required the proceeding be conducted in-person. The purpose of that "mandated services" restriction was to mitigate to the greatest extent possible the spread of the disease in the general population and to minimize the risk of overwhelming hospital resources within the state. During the month of April, the State and County's social spacing efforts have limited the burden on health care resources. Since moving to a "mandated services" plan the Court has expanded its video and audio conferencing capabilities, has provided for public access to remote court events, has marked off its courtrooms and public areas to provide for appropriate social spacing for those entering the courthouse, has provided cleaning stations at each courthouse entrance and has mandated the wearing of protective masks by all court employees while in a courthouse. While the Court recognizes the continued need to restrict some physical access to court facilities, the current conditions within the community as well as the protective measures taken by the court allow the court at this time to expand operations to provide additional essentials services to the public while mitigating the risk of the spread of the disease to court employees and customers.

THEREFORE, IT IS ORDERED that Administrative Order 2020-055 is revised and replaced by this Order.

IT IS FURTHER ORDERED that from May 1, 2020 through May 31, 2020, with limited exceptions as set forth below, no in-person proceeding will occur in Arizona Superior Court in Maricopa County. The court 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 court and information on accessing all public court events for the duration of the public health emergency, please visit:

<https://superiorcourt.maricopa.gov/communications-office/covid-19/>

IT IS FURTHER ORDERED the Presiding Judge 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 all court buildings of the Arizona Superior Court 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 Valleywise Behavioral Health Facilities or the Arizona State Hospital. 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; if they are participating in the hearing or event.

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 via telephone or email the assigned division to arrange to appear electronically, 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 Superior Court, unless an in-person appearance is required by statute or the Arizona or United States Constitution.

CRIMINAL DEPARTMENT:

IT IS ORDERED that all initial appearances will proceed in-person unless otherwise directed by the court, except for initial appearances on summonses or out of custody notices of supervening indictment, which will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED that all in custody preliminary hearings will proceed in-person unless otherwise directed by the court. Efforts should be taken to minimize the number of individuals called to testify at a preliminary hearing. Out of custody preliminary hearings will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED that all release hearings for defendants held non-bailable will proceed in-person unless otherwise directed by the court.

IT IS FURTHER ORDERED that Rule 14 of the Arizona Rules of Criminal Procedure continues to not apply to superior court cases in this county. Arraignments will be held for in custody indicted defendants in-person unless otherwise ordered by the court. Out of custody arraignments will be continued. For defendants charged by information, arraignments will be held directly after the finding of probable cause.

IT IS FURTHER ORDERED that all in-custody changes of plea will proceed in-person. Out of custody changes of plea will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED that all in-custody sentencings will proceed in-person. Out of custody sentencings will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED that all in-custody probation violation hearings and all in-custody probation disposition hearings will proceed in-person unless otherwise ordered by the court. Out of custody probation violation hearings and probation disposition hearings will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED that all fugitive of justice hearings will proceed in-person unless otherwise ordered by the court.

IT IS FURTHER ORDERED all in-custody Arizona Rules of Criminal Procedure Rule 11 evidentiary hearings will proceed in-person unless otherwise directed by the court. Out of custody Rule 11 evidentiary hearings will resume on a date to be identified in a future administrative order.

IT IS FURTHER ORDERED the following court calendars are suspended through June 1, 2020: Mental Health Court, Veterans' Court, Domestic Violence Court, Drug Court, post-sentencing DUI Court, Spanish DUI Court, Restitution Court, Juvenile Transferred Offender Program Court (JTOP), and Bond Forfeiture.

IT IS FURTHER ORDERED that all other requests for hearings in any criminal case before the Arizona Superior Court in Maricopa County must be made by motion with the caption "Request for Emergency Hearing" and must be emailed to the assigned

judicial division with a copy emailed to criminalesmergencies@jbazmc.maricopa.gov. Requests for hearings must be made to proceed with an out of custody change of plea or sentencing, out-of-custody probation violation hearing or disposition, and any other matter with an explanation regarding why an emergency hearing is required.

CIVIL & TAX DEPARTMENTS:

IT IS FURTHER ORDERED that any debtor requesting a hearing on a writ of garnishment may file an “Emergency Request for Hearing.” The debtor must email a conformed copy of the Emergency Request for Hearing to civilemergencies@jbazmc.maricopa.gov. The debtor may contact the civil department at 602-506-1497 to request a telephonic hearing date.

IT IS FURTHER ORDERED that any individual seeking an Injunction Against Harassment protection may file a petition for such relief by appearing in person at the designated court location. Any contested hearings on injunctions against harassment will be conducted as directed by further court order. Such hearings may be conducted telephonically or through video conferencing, as directed by the court.

IT IS FURTHER ORDERED that any application for temporary restraining order/preliminary injunction filed will be reviewed and orders issued. The application for temporary restraining order/preliminary injunction, attachments and proposed form of order, must be emailed to the assigned judicial division with a copy emailed to civilemergencies@jbazmc.maricopa.gov. Any return hearing or evidentiary hearing will be held with parties appearing by video or telephone absent further order of the court.

IT IS FURTHER ORDERED that orders to appear in any election challenge will issue and a hearing will be held.

IT IS FURTHER ORDERED finding good cause to waive any personal appearance at a settlement conference set pursuant to Rule 16.1(c) of the Arizona Rules of Civil Procedure and Rule 3.11(a) of the Maricopa County Local Rules.

IT IS FURTHER ORDERED from May 1, 2020 through May 31, 2020, pursuant to Arizona Rules of Civil Procedure 5(c)(2)(D), that a document is served if transmitted by email to the email address of the party or, if represented, counsel for the party being served, and that such service is deemed completed upon electronic transmission. The serving party shall use the email address the receiving party has identified on the caption of filings under Rule 5.2(a)(1)(A).

IT IS FURTHER ORDERED that any judgment creditor seeking a judgment against a garnishee or an order of continuing lien in a transcript of judgment case, i.e., a “TJ” case, must deliver a garnishment packet to the Civil Court Drop Box located at the Central Court Building at 201 West Jefferson, Phoenix, Arizona 85003 for the request to be reviewed and ruled upon.

IT IS FURTHER ORDERED that any request for restriction of marriage record must be delivered to the Civil Court Drop Box located at the Central Court Building at 201 West Jefferson, Phoenix, Arizona 85003 for the request to be reviewed and ruled upon.

IT IS FURTHER ORDERED that a party seeking an eviction may contact the civil department at 602-506-1497 to request a telephonic hearing date. The summons must provide notice to the defendant of the ability to appear at the hearing telephonically.

FAMILY DEPARTMENT:

IT IS ORDERED that any individual seeking an order of protection may file a petition for such relief by appearing in person at the designated court location. Contested hearings shall be conducted at designated locations at each court facility with use of video conferencing authorized by the court at each court location.

IT IS FURTHER ORDERED that any individual seeking emergency orders may file the necessary motion by appearing in person at the designated court location. Contested hearings related to emergency motions shall be conducted at designated locations at each court facility with use of video conferencing authorized by the court at each court location.

IT IS FURTHER ORDERED that all other family court proceedings and family court services may proceed but only through remote telephonic or video conferencing procedures. No other in-person family court proceedings shall be conducted at any court location.

JUVENILE DEPARTMENT:

IT IS ORDERED that delinquency adjudications, disposition hearings, transfer hearings, changes of plea, and direct file initial appearance hearings will proceed in-person, unless otherwise ordered by the court.

IT IS FURTHER ORDERED that preliminary protective hearings in dependency proceedings are presumptively telephonic or via video conferencing but may be in-person if ordered by the court.

IT IS FURTHER ORDERED that for all other dependency proceedings, any party to a dependency proceeding as defined by Rule 37(A), Rules of Procedure for the Juvenile Court may file a motion seeking an in-person hearing in lieu of a telephonic hearing or a hearing via video conferencing. Such motion must be filed no less than 24 hours before the hearing and must be emailed directly to the Division.

PROBATE DEPARTMENT:

IT IS ORDERED that all court-ordered evaluations and court-ordered treatment hearings, including all court-ordered treatment renewal hearings, will be conducted electronically, unless otherwise ordered or directed by the court.

IT IS FURTHER ORDERED that all other hearings will proceed electronically unless otherwise ordered or directed by the court.

IT IS FURTHER ORDERED that all attorneys and/or guardians/conservators may appear in-person but only if necessary to have letters of appointment issued.

IT IS FURTHER ORDERED that any interested person (as defined in A.R.S. § 14-1201) who received or saw a Notice of Hearing that said the interested person could oppose the relief requested in a petition by “attend[ing]” the initial hearing on the petition may “attend” that initial hearing by doing the following: (1) entering the courthouse and informing the assigned Judicial Officer’s staff of the interested person’s presence and desire to oppose the petition; and (2) then following the staff’s instructions as to how to appear electronically for the initial hearing.

IT IS FURTHER ORDERED that all parties in cases assigned a PB case number with documents to be ruled upon by the court must deliver a conformed copy to the Probate Court Drop Box located at the Downtown Court Facility, and email a conformed copy to Probate Court Administrator at PB-CRTADMSTR@jbazmc.maricopa.gov. Probate Court Administration then will route the document to the appropriate Judicial Officer.

OTHER:

IT IS ORDERED that all emergency public health cases will proceed as directed by the court.

IT IS FURTHER ORDERED that requests by media to appear at a proceeding by telephone or in person must be made to the Court’s Public Information Officers via email at courtpio@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 to the assigned judicial officer for permission to attend.

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

IT IS FURTHER ORDERED that individuals may enter a court building at a specified entrance to conduct business with the Clerk of the Superior Court.

IT IS FURTHER ORDERED that the Presiding Criminal Judge may identify specific individuals who may enter a court building to attend a scheduled meeting with a public defender housed within a court building, pick up a grand jury transcript, or obtain a court order.

Any person may request recordings of proceedings in Superior Court by contacting the Court's Electronic Recordings Administrator via e-mail at:

ERS@superiorcourt.maricopa.gov or by calling 602-506-7100.

Dated this 29th day of April, 2020

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

Original: Clerk of the Superior Court

Copies: All Superior Court Judges
All Superior Court Commissioners
Hon. Jeff Fine, Clerk of the Superior Court
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
Richard Woods, Deputy Court Administrator
Bob James, Deputy Court Administrator
Shawn Friend, Deputy Court Administrator
Karen Westover, Regional Courts Administrator
All Department Administrators
Sean Gibbs, Director of Security