

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

IN THE MATTER OF MAINTAINING  
SAFETY PROTOCOLS IN THE  
MUNICIPAL COURTS OF MARICOPA  
COUNTY

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ADMINISTRATIVE ORDER  
No. 2021-074

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 numerous Administrative Orders over the last 15 months 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 directed the presiding superior court judge of each county to determine how in-person proceedings were to be conducted in each of the county's court rooms under conditions that protect the health and safety of participants and the public. The Supreme Court orders also mandated that masks or face coverings would be worn by judicial officers, court employees, court participants, and visitors in Judicial Branch facilities throughout Arizona.

The Supreme Court has now issued Administrative Order No. 2021-77 which suspends the statewide face-covering requirement for the Judicial Branch in Arizona and instructs the presiding superior court judge of each county to issue an order addressing the use of masks or face coverings in Judicial Branch facilities throughout their respective county.

The citizens of Maricopa County are making great strides in combating COVID-19. The number of new daily cases per 100K has remained low for the last 60-day period. The infection rate is below 1.0 indicating that an infected person is infecting less than one other person. The positive test rate is below 5% and has remained low for the last 90-day period. Relatively few hospital beds are occupied by COVID-19 patients and there is ample hospital space and specifically ICU space in the event there is another spike in infections. Finally, 42.6% of county residents have received at least one dose of a COVID-19 vaccine.

**THEREFORE**, pursuant to Supreme Court Administrative Order No. 2021-77 and Supreme Court Administrative Order No. 2017-79:

**IT IS ORDERED** that all municipal courts in Maricopa County continue to conduct court proceedings consistent with the courthouse safety requirements set forth in Section I of Supreme Court Administrative Order No. 2021-77.

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

**IT IS FURTHER ORDERED** that, effective June 7<sup>th</sup>, 2021, all municipal court employees, and judges shall wear a mask or face covering when they are in a posted Mask Mandated Area of a court facility. Municipal court employees and judicial officers who are fully vaccinated (14 days from final vaccination) have the option of wearing a mask or face covering in any area of a court facility that is not a posted Mask Mandated Area. The court shall recommend that all unvaccinated employees and judges wear a mask or face covering within any area of a court facility unless they are at their workspace and more than six feet away from any other person.

**IT IS FURTHER ORDERED** that all other persons entering a municipal court facility shall wear a mask or face covering when they are in a posted Mask Mandated Area of a court facility. All persons entering a municipal court facility who are fully vaccinated (14 days from final vaccination) have the option of wearing a mask or face covering in any area of a municipal court facility that is not a posted Mask Mandated Area. The court shall recommend that all unvaccinated persons who enter a court facility wear a mask or face covering within any area of a municipal court facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied access to the facility. If a participant is denied physical access to a municipal court facility for refusing to wear a face covering, the participant must contact the judicial officer's staff to determine whether the person can participate in the proceeding using an audio or video connection.

**IT IS FURTHER ORDERED** that Mask Mandated Areas shall include, but are not limited to, courtrooms, jury assembly areas, law libraries, self-help centers, information counters, clerk windows or filing counters, electronic monitoring installation areas and detention facilities.

**IT IS FURTHER ORDERED** that the presiding judge of a municipal court may designate additional Mask Mandated Areas in any area where there is necessary and substantial interaction between court employees and the public.

**IT IS FURTHER ORDERED** that the presiding judge of a municipal court may adopt a more restrictive mask requirement to match that of their respective municipality.

**IT IS FURTHER ORDERED** that during in-courtroom proceedings, the judicial officer may authorize the temporary removal of masks or face coverings for purposes of witness testimony, defendant identification, making an appropriate record, or other reasons deemed necessary by the judicial officer provided that appropriate social distancing or other protective measures are followed. When allowing this exception, the

judicial officer shall ensure that other attendees remain protected through social distancing. (A judge and staff, if fully vaccinated, may remove their own mask in a courtroom when no member of the public is physically present in the courtroom.)

Dated this 28<sup>th</sup> day of May, 2021.

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

Original: Clerk of the Superior Court

Copies: All Municipal Court Judges in Maricopa County  
Dave Byers, Administrative Office of the Courts  
Raymond Billotte, Judicial Branch Administrator  
Richard Woods, Deputy Court Administrator  
Karen Westover, Regional Courts Administrator