

**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

AMENDED
ADMINISTRATIVE ORDER
No. 2020-055

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide public health emergency. Subsequently, 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 court rooms under conditions that protect the health and safety of participants and the public. In response to the Supreme Court's Administrative Order, on March 23, 2020 the Superior Court issued Administrative Order 2020-043 which restricted physical access to the Court Facilities by limiting the types of in-person proceedings conducted in court facilities.

On March 30, 2020, in order to further reduce the continuing spread of COVID-19, the Governor issued Executive Order 2020-18 urging Arizona residents to stay-at-home other than for essential activities. While the Executive Order acknowledges that legal and court processes constitute essential activities, the Superior Court believes it is necessary to further restrict in-person proceedings conducted in court facilities in order to protect the health and safety of the public and of Judicial Branch employees.

THEREFORE, IT IS ORDERED that Administrative Order 2020-043 is replaced by this Order.

IT IS FURTHER ORDERED that from April 1, 2020 through April 30, 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 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, who 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 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 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 be continued.

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 be continued.

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 sentencings will proceed in-person in cases in which a determination of guilt occurred prior to March 11, 2020.

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, unless a continuance is granted. All out of custody probation violation hearings and probation disposition hearings will be continued.

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 be continued.

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 a change of plea, out-of-custody probation violation hearings and dispositions, and any other matter with an explanation regarding why an emergency hearing is required.

CIVIL & TAX DEPARTMENTS:

IT IS ORDERED that individual seeking an eviction/forcible detainer, alleging an irreparable and immediate breach may contact the civil department at 602-506-1497 to request an emergency telephonic hearing date. The summons will issue on a form provided by the court and which 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." 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 may file a petition for such relief but only at the Law Library Resource Center located in the East Court Building at 101 West Jefferson, Phoenix, Arizona 85003. Ex parte hearings will be conducted telephonically. 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 April 1, 2020 through April 30, 2020, pursuant to Arizona Rules of Civil Procedure 5(c)(2)(D), the court orders 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).

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 LLRC located at 101 West Jefferson, Phoenix, Az, 85003. Contested hearings shall be conducted either through video conferencing arranged at the LLRC or may be conducted in-person in a designated courtroom at the downtown court facilities.

IT IS FURTHER ORDERED that any individual seeking emergency orders may file the necessary motions by appearing in person at the LLRC located at 101 West Jefferson, Phoenix, Arizona, 85003. Contested hearings shall be conducted either through video conferencing arranged at the LLRC or may be conducted in-person in a designated courtroom at the downtown court facilities.

IT IS FURTHER ORDERED that no in-person family department-related activities or proceedings will be conducted at any other regional court location.

IT IS FURTHER ORDERED that each family department judicial officer may conduct telephonic proceedings as they determine so long as no in-person appearances are required.

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 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. 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 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.

IT IS FURTHER ORDERED that individuals may only enter the Northwest Court Facility and Northeast Court Facility to conduct designated in-person business before the Justice Courts or to conduct business with the Clerk of the Superior Court.

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 2nd 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