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ARLENA TINNELL
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF: **LIMITATION OF COURT OPERATIONS DURING COVID-19 PUBLIC HEALTH EMERGENCY**	**ADMINISTRATIVE ORDER 2020-13**

The Chief Justice of the Supreme Court issued Administrative Order No. 2020-47 on March 16, 2020, to address reducing the risks associated with the concern for the spread of COVID-19 in the general population. Said Administrative Order reiterates the Court remains open for business but further authorizes the Presiding Judge of each county to determine how any in person court proceedings are to be conducted to protect the health and safety of all court participants. The Court facilities, and in particular, the individual courtrooms in Mohave County vary in size and accommodations affecting the judges' ability to minimize or mitigate health and safety impediments. This Administrative Order is issued to address such local needs and circumstances.

The Supreme Court has issued orders limiting in person proceedings to the greatest extent possible and utilizing available technologies.

IT IS, THEREFORE, ORDERED to the greatest extent possible initial appearances, arraignments, status hearings, release hearings, change of plea hearings in criminal matters shall be conducted by video conferencing. In custody transports from the jail shall be limited to hearings where the individual has a constitutional right to attend in person. The court should utilize teleconferencing where appropriate if video conferencing is unavailable.

IT IS FURTHER ORDERED that Grand Jury proceedings shall be conducted in a location that allows for appropriate social distancing for all involved in the proceedings. Court Administration shall secure an appropriate facility or location. If a facility or location is not secured, Grand Jury proceedings shall be suspended.

The Supreme Court has further authorized the Presiding Judge to determine when any in-court proceedings shall be conducted, to follow CDC social distancing recommendations concerning the size of the court facility and to utilize available technology.

IT IS, THEREFORE, ORDERED in dependency matters the parents, CASA's, MIKID staff, case managers, attorneys and service providers should appear by telephone for review hearings, permanency hearings and pretrial conferences. It is further encouraged that GAL's or counsel for the child(ren) waive the child(ren)'s presence at hearings to the extent possible.

IT IS FURTHER ORDERED that the Court may require telephonic appearances for good cause for mediations, pre-hearing conferences and preliminary protective hearings. Appropriate social distancing shall be complied with to the extent there is a necessity to complete a dependency or severance adjudication hearing in person.

In addition, courts are not to set simultaneous hearings or are to limit the same that would prevent appropriate social distancing given the CDC recommendations.

IT IS, THEREFORE, ORDERED that with respect to Specialty Courts including Veterans Court, Health and Wellness, Juvenile and Adult Drug Court proceedings, that the judge presiding over the same may suspend such hearings through April 17, 2020. If such hearings are not suspended, the Judge shall take appropriate precautions to maximize social distancing requirements. Normally, Veterans, Health and Wellness, and Drug Court participants are required to be present for several hearings. The judges presiding over Veterans, Health and Wellness, or Drug Court matters are encouraged to limit the number of participants in the courtroom. In smaller courtrooms, by way of example, Veterans, Health and Wellness, and Drug Court team members shall be spaced in accordance with CDC's social distancing recommendations at a council table, jury box and gallery. The judge may limit the number of participants in the Veterans and Drug Court program in the courtroom to three (3). In such a way, the participants will be able to hear at least three (3) hearings and to maximize the social distancing with one at defense table, and two in the gallery. Additional participants may be allowed in the courtroom provided the courtroom is large enough to meet social distancing requirements.

IT IS FURTHER ORDERED that Court Administration shall post a notification at each Court facility that any individual exhibiting COVID-19 symptoms or suspected exposure shall refrain from coming to or entering into the courthouse. Court Administration shall include a telephone number for any party required to appear at a hearing that exhibits COVID-19 symptoms or is suspected to have been exposed to COVID-19 so that party can notify the Court of the inability to appear and allow the Court to arrange for the matter to be heard telephonically or to be continued.

IT IS FURTHER ORDERED in civil matters that telephonic hearings shall be conducted without the necessity of the parties filing a Motion requesting the same. Settlement Conferences shall be conducted telephonically. Accordingly, the parties and counsel shall provide appropriate telephone numbers, and arrange for appropriate telephonic conferencing such as in the instance of counsel with a client or an outside insurance representative or agent.

IT IS FURTHER ORDERED that the Judges, Justice of the Peace and City Magistrates are authorized to remove non-essential personnel from the courtroom should the necessity arise in light of the size of the court facility, the nature and extent of the hearing and the CDC's social distancing recommendations.

IT IS FURTHER ORDERED that any Petition or Complaint that is filed by the State seeking a Quarantine Order, or Petition, Complaint or Application by a party objecting to a public health Quarantine Order shall be assigned to the Honorable Lee F. Jantzen, on an emergency basis irrespective of what case assignment or what court the matter is filed in Mohave County.

IT IS FURTHER ORDERED to the extent Judge Jantzen is unavailable, has a conflict or is noticed, the matter shall immediately be assigned to the Honorable Megan McCoy.

Supreme Court Administrative Order No. 2020-47 authorizes courts to liberally grant continuances and provide additional accommodations to parties, witnesses, attorneys, jurors and others with business before the courts who are at a high risk of illness from COVID-19. Possible societal issues can arise from the state-wide Emergency Declaration issued by the Governor of the State of Arizona in accord with A.R.S. §§ 26-303 and 26-301(15).

IT IS, THEREFORE, ORDERED that with respect to eviction actions Judges and Justices of the Peace can reasonably continue eviction actions based upon the timeframes set forth and in accordance with Supreme Court Administrative Order No. 2020-47, and any extension of the timeframe set forth in said Administrative Order issued by the Supreme Court.

The Supreme Court Administrative Order No. 2020-47 further provides the Presiding Superior Court Judge with authorization to issue orders needed to address the current public health emergency in cooperation with public health officials and to take any reasonable action that the circumstances require to enable necessary operations of the Superior, Justice and Municipal Courts in each county.

IT IS, THEREFORE, ORDERED that the Juvenile Director may institute appropriate protocols for visitation at the Juvenile Detention Center including restricting access into the Juvenile Detention Center, and further providing for Skype, Facebook or telephonic visitation with a juvenile detained in the Juvenile Detention Center.

IT IS FURTHER ORDERED that the Adult Probation Chief and Juvenile Director shall institute appropriate measures and protocols for Probation Officers to continue to make minimum contacts with probationers utilizing appropriate technological alternatives such as Skype, Facebook, telephonic communication, electronic communication and to utilize appropriate social distancing for in-field contacts in an effort to limit in-office contacts.

IT IS FURTHER ORDERED that Judges, Justice of the Peace and Municipal Magistrates, when performing weddings, shall not have more than ten (10) people present at the wedding in the courthouse. Social distancing requirements shall be met between the wedding party and the judicial officer. The prohibition of not more than ten (10) people attending will not apply to weddings outside the courthouse facility; however, appropriate social distancing shall otherwise be required.

IT IS FURTHER ORDERED that the Court Administration shall coordinate hygiene supplies are readily available in all court buildings through Mohave County Public Works Department. Every effort shall be made to clean and disinfect areas frequently that the public comes in contact with.

IT IS FURTHER ORDERED that any court personnel exhibiting COVID-19 symptoms or suspected exposure to the same shall immediately notify Court Administration and Court Human Resources Department.

IT IS FURTHER ORDERED that should a Judge or Justice of the Peace initiate protocols within their respective courtroom or that affects case processing in light of the public emergency health crises, that the same shall be posted on the Court's website at the Judge or Justice of the Peace's individual page. City Magistrates may do the same provided there is a similar mechanism to post such protocols on a city website.

IT IS FURTHER ORDERED directing Court Administration to outline protocols and a plan of action to provide only essential services should the Supreme Court determine additional safety measures, closures and/or shut down is required.

DATED this 19th day of March, 2020.

Honorable Charles W. Gurtler, Jr., Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County