FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT
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JACQUELYN BURRELL
BY
DEPUTY

IN THE SUPERIOR COURT

IN AND FOR THE COUNTY OF PIMA

IN THE MATTER OF: RESTRICTING PHYSICAL ACCESS TO PIMA COUNTY SUPERIOR COURT FACILITIES DUE TO A PUBLIC HEALTH EMERGENCY	ADMINISTRATIVE ORDER 2020-20 (Replaces AO 2020-19)

Due to concern for the spread of COVID-19 in the general population, Arizona Governor Doug Ducey declared a statewide public health emergency. Arizona Supreme Court Chief Justice Robert Brutinel issued Administrative Order No. 2020-75 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. Supreme Court Administrative Order No. 2020-75 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 court rooms under conditions that protect the health and safety of participants and the public. The Order allows individual presiding judges to issue orders limiting in-person courtroom contact, following the social distancing recommendations of the Center for Disease Control, and limiting the number of persons present in a courtroom. The Order further sets forth a process Courts in Arizona are to use to return to full operation over time in phases. The Order identifies the present state of the Courts as Phase 0.

This Court issued Administrative Orders 2020-12 and 2020-19 to address the Court's response to the COVID-19 pandemic. This Administrative Order replaces 2020-19. The extent to which it impacts 2020-12 is set forth below. This Order addresses only Pima County Superior Court functions. As a result of increased spread of COVID-19 and pursuant to Supreme Court Administrative Order No. 2020-75 and Supreme Court Administrative Order No. 2017-79:

IT IS ORDERED Arizona Supreme Court Administrative Order 2020-75 is hereby incorporated by this reference and adopted in its entirety.

IT IS ORDERED that until and through June 1, 2020, with limited exceptions as set forth below, no in-person proceeding will occur in Pima County Superior Court. Although most in-person hearings and events will no longer occur in superior court during the pendency of this Administrative Order, the court will continue to hold telephonic hearings and remain available to process all case types and non-appearance proceedings.

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. Each judge has discretion to control and limit the number of people in a courtroom, and

may excuse any person from the courtroom as deemed appropriate or necessary to meet the ends of this Administrative Order.

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.

IT IS FURTHER ORDERED that all persons entering the courthouse, including attorneys, parties, victims, witnesses, jurors, court personnel, and other necessary persons, must notify the court in advance of any COVID-19 diagnosis, symptoms, or exposure notification by public health authorities and to make alternative arrangements to participate.

IT IS FURTHER ORDERED all persons, upon entering Pima County Superior Court and the buildings on the campus of Pima County Superior Court, Juvenile Division will have their temperature checked upon entering the building. Protocols for the process of allowing entry into the building will be made available at points of entry.

IT IS FURTHER ORDERED that all persons entering the courthouse, including attorneys, parties, victims, witnesses, jurors, court personnel, and other necessary persons wear their own or court provided masks or face shields while in the courthouse.

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

IT IS ORDERED the following bench-specific hearings may be conducted during the term of this Administrative Order, and that all other matters not listed specifically hereinafter will not be conducted.

CRIMINAL:

The following essential hearings will be conducted telephonically:

- Initial Appearance
- Arraignments
- Change of Plea (if to be released)
- Motions to Modify Conditions of Release (if to be released)
- Sentencings and Dispositions (if to be released)
- Preliminary Hearings

Hearings in the following non-essential matters may be conducted, at the discretion of the Court, and only via telephone, subject to the limitations set forth in "Other Orders" below:

- In-custody Case Management Conferences
- In-custody Status Conferences

- Settlement Conferences
- Out of Custody Changes of Plea

CIVIL:

The following essential hearings will be conducted telephonically:

- TROs and preliminary injunctions
- Stay of judgment pending appeal
- Elections cases
- Special Action relief against arbitrary or capricious acts by local governmental entities
- Forcible Entry and Detainer Actions (evictions)

Hearings in the following non-essential matters may be conducted, at the discretion of the Court, and only via telephone, subject to the limitations set forth in "Other Orders" below:

- Motions for Summary judgment arguments
- Structured Settlement approvals
- Motions to Dismiss
- Motions for Judgment on the Pleadings
- Excess Proceeds matters
- Defaults

PROBATE:

The following essential hearings will be conducted telephonically:

- Title 36 Mental Health Hearings
- Appointment of Guardian and/or Conservator, both emergency/temporary requests and permanent requests
- Requests to remove a guardian and/or conservator
- Petitions to open a probate with or without a will and the appointment of a personal representative or special administrator
- Requests to remove a personal representative or special administrator
- Requests for the release of restrictions on assets in estate
- Petitions to remove a trustee
- Petitions regarding disposition of a decedent's body
- Petitions to determine the validity of or enforce a health care directive

FAMILY:

The following essential hearings will be conducted telephonically:

- Ex Parte Orders of Protection and Injunction Against Harassment hearings.
- Hearings regarding Child Support Warrants if the person is in custody
- Contested Order of Protection Hearings.
- Rule 48(d) hearings will be conducted by the assigned judge.

Hearings in the following non-essential matters may be conducted, at the discretion of the Court, and only via telephone, subject to the limitations set forth in "Other Orders" below:

- Expedited process request to enforce parenting time or legal decision-making
- Rule 47 pre-decree motions for parenting time, legal decision-making and support
- Motions for temporary orders for exclusive use of marital home
- Child support establishment hearings, IV-D and non IV-D
- Settlement conferences
- Defaults

JUVENILE:

Only essential hearings will be conducted in person, as follows:

- All in-custody delinquency hearings
- Competency hearings
- juvenile mental health hearings
- out of home placement hearings
- dependency matters subject to a statutory timeline
- other hearings required by law to be heard at juvenile subject to a statutory timeline

The court may order that the above hearings be conducted telephonically. 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 assigned Division.

Hearings in the following non-essential matters may be conducted, at the discretion of the Court, and only via telephone, subject to the limitations set forth in "Other Orders" below:

- out of custody delinquency hearings
- adoptions

OTHER ORDERS:

IT IS ORDERED that each bench presiding judge may issue bench-specific internal protocols to manage personnel and process caseloads during the pendency of this Administrative Order. Each presiding judge is to make any such internal protocols available upon request, subject to any limitations or conditions provided by rule, statute or constitutional considerations.

IT IS ORDERED all hearings shall presumptively be conducted telephonically. Essential matters shall take priority over non-essential matters. Each bench presiding judge may limit the number of non-essential hearings judges on that particular bench may conduct. Judges conducting hearings, both essential and non-essential, may place time limits on matters and exercise any other control over proceedings deemed appropriate or necessary to meet the terms of this Administrative Order and further the interests of justice.

IT IS ORDERED judges in individual cases may, for good cause shown, allow essential hearings to be conducted in person. Such decisions must be made on a case-by-case basis, and judges considering ordering a court event to occur in-person shall balance the objectives of this Administrative Order with the constitutional or statutory rights of the individuals involved in the particular case.

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

IT IS ORDERED that requests by media to appear at a proceeding must be made to the Court's Public Information Officers via email at communityrelations@sc.pima.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 the Presiding Judge may grant contractors and attendant personnel access to Court buildings.

IT IS FURTHER ORDERED that to the extent this order is inconsistent with Superior Court Administrative Order 2020-12, this order controls.

Dated this 11th day of May, 2020

KYLE BRYSON
PRESIDING JUDGE





CC: Ron Overholt, Court Administrator
Superior Court Judges
Juvenile Court Judges
Community Relations
Gary Harrison, Clerk of Court
Michelle Madrid, Director, Case Management Services
Terri Faust, Managing Court Reporter
Ramiro Alviar, Director, Interpreter's Office
Barbara LaWall, Pima County Attorney
Dean Brault, Pima County Public Defense Services
Joel Feinman, Pima County Public Defender
James Fullin, Pima County Legal Defender
Verne Hill, Office of Court Appointed Counsel
Kevin Burke, Pima County Legal Advocate's Office
Judicial Security
Conciliation Court