IN THE SUPERIOR COURT

IN AND FOR THE COUNTY OF PIMA

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT
20 AUG 18 AM 10: 13
J. ORR, DEPUTY

IN THE MATTER OF: RESTRICTING PHYSICAL ACCESS TO PIMA COUNTY SUPERIOR COURT FACILITIES DUE TO A PUBLIC HEALTH EMERGENCY	ADMINISTRATIVE ORDER 2020-41 (Replaces AO 2020-38)

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. 2020-114 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. 2020-114 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 courtrooms 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 1. No timetable to safely move the courts to Phase II has been established.

This Court issued Administrative Orders 2020-12 and 2020-38 to address the Court's response to the COVID-19 pandemic. This Administrative Order replaces 2020-38. 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. 2020-114 and Supreme Court Administrative Order No. 2017-79:

IT IS ORDERED Arizona Supreme Court Administrative Order 2020-114 is hereby incorporated by this reference and adopted in its entirety.

IT IS ORDERED beginning July l, 2020 and through September 30, 2020, all matters to be heard by the Court, as set forth hereinafter, shall presumptively be conducted telephonically or via video conferencing. Although most in-person hearings and events will presumptively not occur in superior court during the pendency of this Administrative Order, the court, may for good cause shown, conduct an event in person. Any request for an in-person hearing must be made not less than two court days in advance of the time of hearing, and not at the time of hearing. With the exception of the Juvenile Bench, any request for an in-person hearing must be made to the assigned Division with a copy to the bench presiding judge. Any in-person event shall be conducted in full compliance with the terms and conditions of this Administrative Order, Arizona Supreme Court Administrative Order 2020-114 and guidelines established by the Center for Disease Control, the Arizona Department of Health Services, and the Pima County Health Department. If the Court determines a party has failed to reasonably comply with this Order, the Court will determine what sanctions, if any, including contempt of court, are appropriate.

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, lawyers who are participating in the hearing or event and any other person the judge may deem, in exercise of sound discretion, to be appropriate or necessary. 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 had exposure to COVID-19, or has symptoms of COVID-19 as defined by the 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. Any person shall not attend the court event in person.

IT IS FURTHER ORDERED that all persons entering the courthouse, including attorneys, parties, victims, witnesses, jurors, court personnel, and others, 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. Failure to do so may result in issuance of sanctions, including but not limited to contempt of court.

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 posted at points of entry. Court security personnel shall have the authority to direct any such person whose body temperature exceeds the standard established by protocol to leave the building.

IT IS FURTHER ORDERED that all persons entering the courthouse, including but not limited to 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. This Order does not serve to require the Court to provide masks or face shields.

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 United States or Arizona Constitutions, or by statute or rule.

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:

I. CIVIL:

The following hearings may be conducted, and will presumptively be conducted telephonically unless the Court orders otherwise:

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

- Defaults
- Recitation of terms of a settlement agreement (as approved by the civil presiding judge, and dependent upon availability of a courtroom clerk)
- Any other matter as the Court may deem appropriate or necessary.

The court will continue to expect that any hearings scheduled while this Administrative Order is in effect will be necessary and productive. Counsel shall determine in advance of any court appearance whether the matter meets those criteria and notify the Court accordingly. Trial divisions will continue to coordinate calendars through the bench presiding judge.

II. CRIMINAL:

The following hearings may be conducted, and will presumptively be conducted telephonically unless the Court orders otherwise:

- Initial Appearances
- Arraignments
- Changes of Plea
- Motions to Modify Conditions of Release
- Sentencings and Dispositions
- Preliminary Hearings
- Case Management Conferences
- Status Conferences
- Any other matter as the Court may deem appropriate or necessary.

The court will continue to expect that any hearings scheduled while this Administrative Order is in effect will be necessary and productive. Counsel shall determine in advance of any court appearance whether the matter meets those criteria and notify the Court accordingly. Trial divisions will continue to coordinate calendars through the bench presiding judge.

III. FAMILY:

The following hearings may be conducted, and will presumptively be conducted telephonically or by Microsoft Teams unless the Court orders otherwise:

Tier 1:

- 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 (conducted by the assigned judge)
- Expedited process request to enforce parenting time or legal decision-making

Tier 2:

- Rule 47 and Rule 47.2 motions for parenting time, legal decision-making and support
- Motions for temporary orders for exclusive use of marital home
- Petitions and motions relating to school choice for a minor child
- Child support hearings (establishment, modification and enforcement), IV-D and non IV-D
- Defaults

Tier 3:

- Resolution Management Conferences
- Settlement conferences
- Modification of parenting plans not covered above (Duration: 3 hours or less)
- Trials (Duration: 3 hours or less)
- Enforcement of prior orders and judgments, non-parenting time and legal decision-making
- Any other matter as the Court may deem appropriate or necessary.

Priority will be given to Tier 1 hearings. Tier 1 and 2 hearings may be conducted in person for good cause shown. Any request for an in-person hearing must be made not less than two court days in advance of the hearing, and not at the time of hearing. Tier 3 hearings and trials may not be conducted in person, and if in-person attendance is necessary, then the matter shall be continued.

The court will continue to expect that any hearings scheduled while this Administrative Order is in effect will be necessary and productive. Counsel shall determine in advance of any court appearance whether the matter meets those criteria and notify the Court accordingly. Trial divisions will continue to coordinate calendars through the bench presiding judge.

Unless there is a current order prohibiting contact between the parties or a history of domestic violence between self-represented parties, parties and counsel, if any, must engage in a good faith attempt to resolve any issues before the hearing. This good faith consultation requires a meeting either in person, by conference call, or by other remote means, and does not include merely a letter or email. For any party or counsel that fails to comply with this good faith consultation requirement, the court may enter sanctions consistent with Rule 76.2.

IV. JUVENILE:

The following hearings will be conducted in-person if the child has been detained, unless otherwise ordered by the Court:

- Detention hearings
- Trial reviews
- Adjudications
- Dispositions
- Evidentiary hearings

The following hearings may be conducted in person if requested by a party, or as ordered by the Court:

- Contested dependencies.
- Contested severances
- Temporary custody hearings
- Rule 59 Motions
- Other hearings required by law to be heard at juvenile subject to a statutory or juvenile rules timelines, or as the Court may deem appropriate or necessary

All other matters will be conducted telephonically, unless, for good cause shown, the Court orders otherwise.

In addition to necessary courtroom staff and support personnel, those attending hearings in person may include parties and their attorneys, parents in delinquency matters, victims and victim witness advocates and witnesses. All others, including placement representatives, supporting family, and service providers must appear by phone. Witnesses may appear by telephone through agreement of the parties or as ordered by the Court pursuant to Ariz. R. P. Juv. Ct. 42.

V. PROBATE:

The following hearings may be conducted, and will presumptively be conducted telephonically unless the Court orders otherwise:

- 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
- Any other matter as the Court may deem appropriate or necessary

The court will continue to expect that any hearings scheduled while this Administrative Order is in effect will be necessary and productive. Counsel shall determine in advance of any court appearance whether the matter meets those criteria and notify the Court accordingly. Trial divisions will continue to coordinate calendars through the bench presiding judge.

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 bench 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 each bench presiding judge will establish and maintain a roster of judges who are on duty each day during the term of this Administrative Order. Judges who are not on duty will not be available to conduct hearings and will presumptively be out of session.

IT IS ORDERED each bench presiding judge may limit the number of hearings judges on that particular bench may conduct. Judges conducting hearings 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 to further the interests of justice.

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

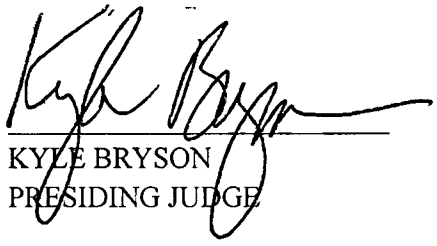
IT IS ORDERED that requests by media to appear at a proceeding must be made to the Court's Public Information Officers via email at communityrelations@sc.pima.gov to coordinate such an appearance.

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 18th day of August, 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