

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

**IN THE MATTER OF LIFTING
RESTRICTIONS ON PHYSICAL
ACCESS TO COURT FACILITIES
USED BY MUNICIPAL COURTS DUE
TO A PUBLIC HEALTH EMERGENCY**

**ADMINISTRATIVE ORDER
No. 2021-105**

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 17 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. In response to the Supreme Court's Administrative Orders, the Superior Court issued companion Administrative Orders restricting physical access to court facilities by limiting, to various extents, the types of in-person proceedings conducted in court facilities.

The Supreme Court has now issued Administrative Order No. 2021-109 which allows the presiding superior court judge of a county discretion to modify that county's judicial branch health emergency order to address the use of social distancing and other measures for that county.

In response to the public health emergency, on March 19, 2020 the Judicial Branch in Maricopa County issued an Administrative Order limiting the public's physical access to branch facilities. Additional Administrative Orders adjusting in-person operations to match the risk posed by COVID-19 within Maricopa County have maintained public access limitations. The Judicial Branch has put in place health screening protocols for those who enter its facilities as well as mask mandates and social distancing requirements. The Judicial Branch continues to limit foot traffic into its buildings by conducting numerous court matters by audio and video platform. Currently, the vaccination rate in Maricopa County for those eligible exceeds 50% and is substantially higher in vulnerable age groups. Community spread has remained relatively flat and demand for hospital resources

remains low. In light of the current conditions and in consultation with the Maricopa County Department of Public Health, modifications of Branch operations are appropriate at this time.

THEREFORE, IT IS ORDERED that effective immediately, and to be implemented by individual courts no later than July 26, 2021, COVID-19 public access restrictions for Municipal Court facilities in Maricopa County will be lifted. Social distancing requirements will remain at six feet apart, but will be reduced to three feet apart effective August 2, 2021. Social distancing is required in all areas of a court facility. Superior Court Administrative Order 2021-074 is rescinded and replaced by this Order.

IT IS FURTHER ORDERED that all municipal courts in Maricopa County shall continue to follow health screening protocols for judicial officers, court staff and the public consistent with the courthouse safety requirements set forth in Section I, paragraphs 9 and 10 of Supreme Court Administrative Order No. 2021-109.

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 all municipal court employees and judges shall continue to 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 unvaccinated 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 19th day of July, 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**