

IN THE MUNICIPAL COURT OF TEMPE
COUNTY OF MARICOPA, STATE OF ARIZONA

In the Matter of Court Operational
Measures to Control Communicable
or Infectious Diseases

ADMINISTRATIVE ORDER NO. 20-02
(Amending A.O. No. 20-01)

The Arizona Supreme Court has issued an Administrative Order directing all Arizona Courts to take appropriate measures to reduce the number of people entering the courthouse due to concerns for the spread of COVID-19.

Therefore, pursuant to Supreme Court of Arizona Administrative Orders 2020-48, in conjunction with Superior Court in Maricopa County Administrative Order No. 2020-043, and in consultation with Judge Joseph C. Welty, Presiding Judge of the Superior Court in Maricopa County,

IT IS ORDERED as follows:

- All persons who have business with the Court shall contact the Court by telephone or other remote means to conduct such business. Only necessary parties, such as named defendants, lawyers, witnesses and victims, shall be allowed access to attend an in-person court proceeding, until further notice;
- All criminal proceedings are continued to a date beyond May 1, 2020, including all treatment courts, however; Telephonic Change-of-Plea proceedings shall proceed as scheduled; Prisoner in-custody dockets shall continue to be held as currently scheduled seven days a week;
- For defendants who are criminally charged on or after March 18, 2020, through April 30, 2020, a pre-trial conference shall be set to a date beyond May 1, 2020. Pursuant to Rule 14.2(c)2, the Court shall allow all out-of-custody defendants to enter not-guilty pleas and receive notice of their Pre-trial Conference court date by mail, according to the Court's established procedure; A defendant may be arraigned by appearing telephonically at a criminal walk-in docket; Where a Defendant who has not entered a plea by mail or not been arraigned prior to a pre-trial conference, the Defendant's arraignment shall be held in conjunction with the next pre-trial conference;
- Civil traffic, parking and local ordinance hearings shall be continued to a date beyond May 1, 2020;

- Civil walk-in dockets shall be held from 8:00-11:30 a.m. and 2:00-4:30 p.m., Monday through Friday;
- Criminal walk-in dockets shall be held from 8:00-11:30 a.m. and 2:00-4:30 p.m., Monday through Friday;
- Judicial staff are authorized and encouraged to liberally grant continuances and allow alternative accommodations to parties and others with business before the Court. All court proceedings, where practicable, shall be conducted by audio, video, or other electronic means which accommodates full participation by all interested parties;
- Clerical staff are authorized to perform the following actions:
 - Provide second continuances on criminal arraignments, pre-trials, non-jury trials and order-to-show-cause hearings, after ascertaining Prosecutor's position on pre-adjudicated matters;
 - Provide continuances on civil and civil traffic matters, including arraignments, "proof-ofs", "no-later than" dates, including but not limited to, bicycle diversion and defensive driving school extensions, and other hearings;
 - Reset orders on post-compliance deadlines up to two times before referral to criminal walk-in docket;
 - Conduct payment plan negotiations by phone or e-mail;
- Petitions for protective orders and motions to modify protective orders shall continue to be processed using AZPOINT whenever practicable; Ex parte protective order hearings shall be conducted telephonically where practicable; Contested protective order hearings shall be conducted telephonically as provided in Rule 9, Arizona Rules of Protective Order Procedure, and the Court hereby finds that all such hearings will be conducted in such a manner to present no substantial prejudice to either party, and that parties and any witnesses are reasonably prevented from attending these hearings in-person because of the current COVID-19 public health restrictions and concerns;
- The following Motions for civil matters shall be limited to in-writing only and will be addressed by way of judicial review:
 - Motion to set-aside
 - Motion to present proof
 - Motion to continue a scheduled hearing
 - Parties will continue to have the option to see a judge at a walk-in docket appearance, if requested;

- Juror Summonses are suspended until further notice and all persons to date who have been summonsed for jury duty are excused;
- Fingerprint orders and City Jail commitment orders shall be set no earlier than May 1, 2020;

IT IS FURTHER ORDERED that for all criminal matters subject to this Order, time is excluded for purposes of calculating time under Rule 8 and Rule 27, Arizona Rules of Criminal Procedure, as authorized by the Arizona Supreme Court, and any time limits imposed on the Court by Tempe City Ordinance are suspended.

IT IS FURTHER ORDERED that electronic and digital signatures are approved as alternative signing options, and where appropriate, verbal approval by telephone shall be allowed.

IT IS FURTHER ORDERED that all court policies and procedures, and administrative orders consistent with this Order shall remain in effect.

IT IS FURTHER ORDERED that all persons appearing in-person at the Courthouse are required to notify the Court remotely before entering if they have been diagnosed with COVID-19, or if they are exhibiting symptoms, or if they are suspected of exposure to others with the virus or others who have been exposed to the virus, and they shall refrain from entering the Courthouse and should address their business with the Court remotely until further notice;

IT IS FURTHER ORDERED that all non-essential gatherings currently scheduled at the Courthouse are cancelled until further notice.

IT IS FURTHER ORDERED that all activity within the Courthouse shall be conducted in a manner consistent with the Center for Disease Control recommendations regarding COVID-19.

MAR 27 2020

Dated: _____

A black rectangular redaction box covers the signature area of the document.


Kevin Kane
Presiding Judge
Tempe Municipal Court