

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

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

ADMINISTRATIVE ORDER NO. 20-03  
(Replacing A.O. Nos. 20-01 and 20-02)

The Arizona Supreme Court has issued Administrative Orders 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. Governor Doug Ducey, on March 30, 2020, issued Executive Order 2020-18 directing all Arizona residents to stay home and maintain social distancing as much as practicable. Presiding Judge of Superior Court in Maricopa County, Joseph Welty, on March 31, 2020, directed the Superior Court in Maricopa County to cease all court services excepting those "constitutionally mandated."

Therefore, consistent with these directives while maintaining court operations to the highest degree possible in order to fulfill the Court's Mission and protect the health, safety and welfare of everyone having business with the Court, including City personnel, and after further consultation with Judge Welty,

**IT IS ORDERED** as follows:

- Excepting prisoner in-custody dockets which shall continue to be held as currently scheduled seven days a week, all criminal proceedings are continued to a date beyond May 1, 2020, including all treatment courts;
- Pursuant to Rule 14, Arizona Rules of Criminal Procedure, the Court shall enter not-guilty pleas in lieu of conducting formal arraignments for out-of-custody Defendants who have not been arraigned or who are criminally charged on or after March 18, 2020 through April 30, 2020, and such cases shall be set to a pre-trial conference on a date beyond May 1, 2020. Defendants shall receive notice of their Pre-trial Conference court date by mail, according to the Court's established procedures, and the Defendant's arraignment shall be held in conjunction with the pre-trial conference;
- Civil traffic, parking and local ordinance hearings shall be continued to a date beyond May 1, 2020;
- All walk-in dockets are cancelled until further notice.
- Judicial staff are authorized and encouraged to liberally grant continuances and allow alternative accommodations to parties and others with mandated business before the Court, including release from custody on their own recognizance (OR release) where concerns for public safety relative to their release are satisfied, as far as practicable; Use of

Unsecured Bonds shall be liberally offered to defendants who are otherwise not candidates for OR release and do not appear to present a public safety threat; All court proceedings, where practicable, shall be conducted by audio, video, or other electronic means which accommodates full participation by all interested persons constitutionally entitled to participate;

- 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 shall be processed using AZPOINT on-line only, except as otherwise provided hereinbelow; Ex parte protective order hearings shall be conducted telephonically only, except as otherwise provided hereinbelow; Contested protective order hearings shall be conducted telephonically only, as provided in Rule 9, Arizona Rules of Protective Order Procedure, except as otherwise provided hereinbelow, and the Court hereby finds that such telephonic hearings shall be conducted in such a manner as to present no substantial prejudice to either party with such in-person hearings, and that parties and any witnesses are reasonable prevented from attending these hearings in-person because of the current COVID-19 public health restrictions and concerns; Modification and Dismissal of Protective Orders may be requested as provided hereinbelow;
- The following Motions for civil matters shall be limited to in-writing only and will be addressed, in due time, by way of judicial review:
  - Motion to set-aside
  - Motion to present proof
  - Motion to continue a scheduled hearing
- 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, and any issued jail Commitment Orders requiring self-surrender and/or permitting work release are suspended to the extent the commitment time has not been fully served, and

defendants shall be contacted to reschedule or summonsed to court on a date beyond May 1, 2020 for issuance of amended Confinement Orders, as necessary;

**IT IS FURTHER ORDERED** that anyone seeking in-person access to the Courthouse, other than City authorized employees or contractors, shall first submit a request for in-person access on a form provided at the Court's public entrance, including access sought to obtain a Modification or Dismissal of Protective Order and for victim or media access to any in-custody proceeding for which they have and interest;

**IT IS FURTHER ORDERED** that all persons entering 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 to 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 for all criminal matters subject to this Order, time is excluded for purposes of calculating time under Rule 8, Rule 14 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 verbal approval by telephone shall be allowed where appropriate.

**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 non-essential gatherings currently scheduled at the Courthouse are cancelled until further notice.

**IT IF FURTHER ORDERED** that court staffing shall be reduced and court employees are otherwise directed to abide by Governor Ducey's Executive Order of March 30, 2020;

**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.

Dated: 4/3/20



Kevin Kane  
Presiding Judge  
Tempe Municipal Court