

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

IN THE MATTER OF THE ADOPTION AND)
IMPLEMENTATION OF PRESUMPTIVE)
STANDARDS FOR REMOTE AND)
IN-PERSON HEARINGS FOR JUSTICE)
COURTS IN MARICOPA COUNTY)

ADMINISTRATIVE ORDER
NO. 2022-119

WHEREAS on August 3, 2022, the Chief Justice of the Arizona Supreme Court issued Administrative Order No. 2022-88 with recommended best practices concerning which court proceedings should be presumed to be conducted in person and which court proceedings should be presumed to be conducted remotely.

WHEREAS that order requires the presiding judge of the superior court to issue an administrative order adopting standards for the justice courts in their county.

WHEREAS courts throughout Maricopa County will continue to seek mechanisms to facilitate easy access to the justice system, especially for self-represented litigants.

IT IS THEREFORE ORDERED concerning civil lawsuits:

- a. Pre-trial conferences, oral arguments on motions, settlement conferences, mediations, and garnishment hearings are presumed to be conducted remotely.
- b. Civil bench trials, jury selection, and civil jury trials are presumed to be conducted in person.

IT IS FURTHER ORDERED concerning criminal cases:

- a. Initial appearances, arraignments, pretrial conferences, oral arguments on motions, settlement conferences, and evidentiary hearings are presumed to be conducted remotely. However, any defendant who appears at a courthouse should be seen in person when practical.
- b. Change of plea proceedings and sentencing are presumed to be conducted remotely; but may be required to be in person when the facts or circumstances of a case warrant the defendant's personal appearance.
- c. Bench trials, jury trials, Probation Violation Hearings and Dispositions, and other witness hearings are presumed to be conducted in person.
- d. Order to Show Cause proceedings are presumed to be conducted remotely.

IT IS FURTHER ORDERED concerning Protective Orders:

- a. Requests for an Order of Protection or an Injunction Against Harassment or an Injunction Against Workplace Harassment are presumed to be conducted remotely. However, any plaintiff who appears at a courthouse should be seen in person.
- b. Any hearings or any request either to modify or to dismiss either an Order of Protection or an Injunction Against Harassment are presumed to be conducted in person.

IT IS FURTHER ORDERED that all residential eviction actions shall be conducted in accordance with Rule of Procedure for Eviction Actions 11(a).

IT IS FURTHER ORDERED that all adult civil traffic and boating proceedings are presumed to be done remotely.

IT IS FURTHER ORDERED that all small claims hearings are presumed to be done remotely.

IT IS FURTHER ORDERED that all juvenile proceedings and ID hearings are presumed to be in person.

IT IS FURTHER ORDERED that hearings on the disposition of cruelty to animal cases, vicious animal hearings, livestock lien cases, and civil marijuana hearings are presumed to be done remotely.

IT IS FURTHER ORDERED that a justice of the peace has the authority either to encourage or to require parties in any case to appear in person for any proceeding that will require the substantial presentation of documentary evidence, other types of physical evidence, or evidence that is impractical to present remotely.

IT IS ORDERED adopting the Chart attached hereto as the presumptive manner for holding hearings (including the hearings listed above) that are set on or after October 1, 2022, in the Justice of the Peace Courts in Maricopa County.

IT IS FURTHER ORDERED this Administrative Order is effective as of the date of this order.

Dated this 20th day of September, 2022.

/s/ Joseph C. Welty

Hon. Joseph c. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: Honorable Robert M. Brutinel, Chief Justice
All Departmental Presiding Judges
Raymond L. Billotte, Judicial Branch Administrator
David K. Byers, Director, Administrative Office of the Courts
Bob James, Deputy Court Administrator
Karen Sadler, Limited Jurisdiction Courts Liaison
Chris Reams, Justice Courts Administrator

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other		X
<i>Proceedings Under the Arizona Rules of Procedure for Eviction Actions</i>			
	Initial Appearance	X ²	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Writ of Restitution	X	
	Post-Judgment	X	
<i>Proceedings Under the Arizona Rules of Small Claims Procedure</i>			
	Hearing	X	
	Alternative Dispute Resolution	X	
<i>Proceedings Under the Arizona Justice Court Rules of Civil Procedure</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness	X	
	Mediation Conference	X	
	Settlement Conference	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Other	X	

² By statute:

Notwithstanding any other law, in a special detainer or forcible detainer proceeding before the court, any party, including an attorney or witness upon written notice to the court, shall be permitted to participate at the initial appearance remotely by using a telephone or video conference connection. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys and witnesses to participate in person.

Ariz. Rev. Stat. § 22-206.

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In- Person
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arrestment/Initial	X	
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness	X	
	Change of Plea/Sentencing	X	
	Pre-trial Conference	X	
	Order to Show Cause	X	
	Case Management Conference/Trial Preparedness Conference	X	
	Settlement Conference	X	
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrestment	X	
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
<i>CTBMPSV</i>			
	Arrestment	X	
	Trial/Contested Hearing	X	
	Photo Enforcement Hearing	X	
	Other (including ID Hearings, Local Ordinance, Parking)		X
<i>Juvenile Hearing Officer Proceedings</i>			X