

**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  
JUSTICE COURTS DUE TO A PUBLIC  
HEALTH EMERGENCY AND  
TRANSITION TO RESUMPTION OF  
CERTAIN OPERATIONS

---

ADMINISTRATIVE ORDER  
No. 2021-104

(Replacing Administrative Order  
No. 2021-075)

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 Orders limiting the public's physical access to branch facilities. Additional Administration 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 Health, modifications of Branch operations are appropriate at this time.

**THEREFORE, IT IS ORDERED** that effective July 19, 2021, public access restrictions for Justice 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. Health screening upon entry and previously ordered mask requirements will remain in place.

**IT IS FURTHER ORDERED** that Superior Court Administrative Order 2021-075 is replaced by this Order.

**IT IS FURTHER ORDERED** that the justice courts will continue to implement a staffing plan that allows for the continuity of court operations in the event a significant number of staff at a facility are required to self-quarantine due to exposure to the novel corona virus. The plan requires each fulltime justice court to designate two members of its staff to be available to be deployed by the Presiding Justice of the Peace to a justice court facility in the event of a staffing shortage due to a quarantine. The Presiding Justice of the Peace may communicate more detailed guidelines on how to implement this staffing plan.

**IT IS FURTHER ORDERED** that justice courts within Maricopa County are authorized to conduct jury trials, taking into consideration the physical space of individual courthouses and courtrooms. Each court shall employ appropriate social distancing and other measures necessary for the protection of jurors and other court participants.

**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 assigned justice 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 justice court employees and judges shall wear a mask or face covering when they are in a posted Mask Mandated Area of a court facility. Justice court employees and judges 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 recommends 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 justice 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 justice 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 justice court facility that is not a posted Mask Mandated Area. The Court recommends that all unvaccinated persons who enter a court facility wear a mask or face covering within any area of a 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 the courthouse for refusing to wear a face covering, the participant must contact the judge'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, probation office lobbies, electronic monitoring installation areas and detention facilities.

**IT IS FURTHER ORDERED** that the Presiding Judge of the Justice Courts in Maricopa County 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 public continues to be subject to the health screening protocol provided by the Administrative Office of the Courts upon entrance to a justice court facility, including having their body temperature taken. Any person who does not pass the health screening protocol shall be denied entrance into the facility.

**IT IS FURTHER ORDERED** that in addition to members of the public, all judicial officers, Justice Courts employees, Judicial Branch in Maricopa County employees, Maricopa County Clerk of Court employees, and all court partners who have security bypass privileges continue to be subject to a health screening protocol provided by the Administrative Office of the Courts upon entrance to a courthouse, including having their body temperature taken. Any person who does not pass the health screening protocol shall be denied entrance into the facility.

**IT IS FURTHER ORDERED** that during in-courtroom proceedings, the judge 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 judge shall ensure that other attendees remain protected through social distancing. The judge and staff may remove their own mask in their courtroom when no member of the public is physically present in the courtroom.

**IT IS FURTHER ORDERED** any court proceeding may be converted to a telephonic or video proceeding by order of any judicial officer of the assigned justice court, unless an in-person appearance is required by statute or the Arizona or United States Constitution.

**IT IS FURTHER ORDERED** that the justice courts are authorized to conduct in-person court proceedings as follows:

## **CRIMINAL:**

**IT IS ORDERED** that defendants may enter not-guilty pleas by mail and then receive notice of a court date by mail as provided in Rule 14.2(c) of the Arizona Rules of Criminal Procedure. Courts are to provide out-of-custody defendants a waiver of counsel form by mail, if applicable.

**IT IS FURTHER ORDERED** that pretrial conferences may be conducted through audio and video conferencing, unless the defendant is in-custody.

**IT IS FURTHER ORDERED** that all in-custody defendants be seen through the use of the Video Arraignment Center for all pre-trial matters, including initial appearances, release hearings, and sentencings, unless otherwise directed by the court.

## **CIVIL:**

**IT IS FURTHER ORDERED** that court proceedings in civil matters, including trials to the bench, may be conducted in-person or via audio and video as determined by the assigned judge.

**IT IS FURTHER ORDERED** that eviction/forcible detainer cases may be conducted in-person or via audio and video as determined by the assigned judge. An individual seeking an eviction/forcible detainer, alleging an irreparable and immediate breach may contact the assigned justice court to request an emergency telephonic hearing date. The summons must provide notice to the defendant of the ability to appear at the hearing telephonically.

**IT IS FURTHER ORDERED** that any debtor requesting a hearing on a writ of garnishment may file an "Emergency Request for Hearing" with the assigned justice court.

**IT IS FURTHER ORDERED** that any judgment creditor seeking a judgment against a garnishee or an order of continuing lien may either mail, fax, or email the application to the assigned court or use drop boxes, housed at the assigned justice court, if available.

## **PROTECTIVE ORDERS:**

**IT IS FURTHER ORDERED** that any individual seeking an order of protection, an injunction against harassment, or an injunction against workplace harassment may complete a petition through AZPOINT at <https://azpoint.azcourts.gov/> and may file a petition for such relief by calling the justice court and providing the confirmation number assigned in AZPOINT. Such hearings may be conducted in-person, telephonically, or through video conferencing.

**WEDDINGS:**

**IT IS FURTHER ORDERED** that a judge may perform a ceremony inside or outside a court facility, so long as social distancing requirements can be maintained.

**OTHER:**

**IT IS FURTHER ORDERED** that prior to any justice court physically closing its doors to the public, the Justice of the Peace for that court will first confer with the Presiding Judge of Superior Court.

**IT IS FURTHER ORDERED** that Justices of the Peace may allow their staff to remove from the facility papers on file with the court in order to allow the staff to work from home during this public health emergency. The Justice of the Peace should provide instructions to their staff to ensure that access to the documents are appropriately limited to court personnel only and that the documents will be promptly returned to the court as needed to comply with Supreme Court Rule 123.

**IT IS FURTHER ORDERED** that any person may request recordings of proceedings in the justice courts by contacting the assigned justice court by mail, fax, or email.

Dated this 16<sup>th</sup> day of July, 2021

/s/ Joseph C. Welty  
Hon. Joseph C. Welty  
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Justices of the Peace in Maricopa County  
Hon. Allister Adel, Maricopa County Attorney  
Christina Phillis, Office of Public Defense Services  
Dave Byers, Administrative Office of the Courts  
Raymond Billotte, Judicial Branch Administrator  
Richard Wood, Deputy Court Administrator  
Karen Westover, Regional Courts Administrator  
Sean Gibbs, Director of Security  
Jim Morrow, Justice Courts Administrator