

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

IN THE MATTER OF RESTRICTING  
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. 2021-075

(Replacing Administrative Order  
No. 2020-152)

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 15 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. 2021-77 which suspends the statewide face-covering requirement for the Judicial Branch in Arizona and allows the presiding superior court judge of a county discretion to determine whether to require judicial officers, court employees, court participants, and visitors to wear a mask or face-covering.

Over the course of the public health emergency, the Judicial Branch in Maricopa County has issued Administrative Orders to adjust in-person operations to match the risk posed by COVID-19 within Maricopa County at any given time. The citizens of Maricopa County are making great strides in combating COVID-19. The number of new daily cases per 100K has remained low for the last 60-day period. The infection rate is below 1.0 indicating that an infected person is infecting less than one other person. The positive test rate is below 5% and has remained low for the last 90-day period. Relatively few hospital beds are occupied by COVID-19 patients and there is ample hospital space and specifically ICU space in the event there is another spike in infections. Finally, 42.6% of county residents have received at least one dose of a COVID-19 vaccine. These health metrics in conjunction with CDC guidance and advice from the Maricopa County Department of Public Health indicate that it is appropriate to implement changes in court practices and operations throughout the County.

**THEREFORE**, pursuant to Supreme Court Administrative Order No. 2021-77 and Supreme Court Administrative Order No. 2017-79:

**IT IS ORDERED** that effective June 1, 2021, Superior Court Administrative Order 2020-152 is replaced by this Order.

**IT IS FURTHER ORDERED** that all justice courts in Maricopa County may continue to hold hearings primarily via audio and video appearances and remain available to process all case types and non-appearance proceedings. The justice courts are authorized to continue to hold necessary in-person court proceedings so long as they may be conducted consistent with the courthouse safety requirements set forth in Section I of Supreme Court Administrative Order No. 2021-77.

**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** the Presiding Judge of the Superior Court may grant contractors and other individuals access to any court facility.

**IT IS FURTHER ORDERED** that for the duration of this order, physical access to county buildings in which the Maricopa County justice courts are located shall be restricted to attendance at in-person court hearings. This does not include court locations inside the Civic Center in Gilbert, Arizona. This restriction does not apply to employees of the Judicial Branch, employees of the Clerk of the Superior Court, employees of the Maricopa County Sherriff's Office or Maricopa County employees housed within a court building.

**IT IS FURTHER ORDERED** that attendance at any in-person event held pursuant to one of the limited exceptions below will be limited to parties, witnesses, victims, sheriff's deputies, detention officers, law enforcement officers, parents in juvenile delinquency matters, and lawyers, who are participating in the hearing or event. Social distancing requirements must be complied with during all in-person proceedings.

**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**, through the end of Phase II of the Supreme Court's operational plan, court documents are encouraged to be transmitted by email, fax, or mail to the assigned justice court. Exceptions will be made for emergency proceedings, evictions, change in release conditions, in-custody requests, protective orders, and similar emergency matters. Documents being submitted to the court under one of these exceptions may be placed in a drop box located outside of the court building if available.

**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 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 Justice of the Peace 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. (A judge and staff may remove their own mask in a courtroom when no member of the public is physically present in the courtroom.)

**IT IS FURTHER ORDERED** any in-person appearance may be converted to a telephonic or video appearance 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 change of plea proceedings may be conducted through audio and video conferencing to the broadest extent possible. The judge may direct defendants to report in-person and enter the court facility by a date certain to be fingerprinted by staff following the change of plea proceeding if other arrangements for fingerprinting cannot be arranged. If a court determines that a defendant is to appear

in-person for a change of plea proceeding, the court should consider limiting the presence of other participants in the courtroom by having them appear using audio and video conferencing.

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

#### **JUVENILE:**

**IT IS ORDERED** that matters filed against a juvenile in the justice courts are to be processed in accordance with the applicable legal authorities under the direction of the assigned justice court to encourage limited in-person proceedings.

#### **CIVIL:**

**IT IS FURTHER ORDERED** that court proceedings in civil matters, including trials to the bench, may be conducted via audio and video unless an in-person proceeding is deemed necessary by the assigned judge.

**IT IS FURTHER ORDERED** that eviction/forcible detainer cases may be conducted via audio and video unless an in-person proceeding is deemed necessary 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 a court facility, so long as social distancing requirements can be maintained. This does not preclude a wedding ceremony with more people in attendance from being performed on the outside grounds of a court building.

**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 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 requests by media to appear at a proceeding by telephone or in person must be made to the Public Information Officer via email at [scott.davis@JBAZMC.maricopa.gov](mailto:scott.davis@JBAZMC.maricopa.gov) to coordinate such an appearance.

**IT IS FURTHER ORDERED** that any person not authorized to attend a proceeding may submit a request by mail, fax, or email to the assigned justice court for permission to attend.

**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 28<sup>th</sup> day of May, 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 Woods, Deputy Court Administrator  
Karen Westover, Regional Courts Administrator  
Sean Gibbs, Director of Security  
Jim Morrow, Justice Courts Administrator