State of New Hampshire
Circuit Court
Administrative Order 2020-7

EMERGENCY EXPEDITED GUARDIANSHIP OVER AN ADULT PERSON

Pursuant to RSA 490-F and Supreme Court Rule 54(4), and in the interest of responding to the health and safety needs of the public during the COVID-19 pandemic during the Governor's State of Emergency Declaration under RSA 4:45, see Executive Order 2020-04 and Emergency Order #17, there is hereby established special protocols within the Probate Division of the New Hampshire Circuit Court to allow for submission and adjudication of an *Emergency Expedited Guardianship Petition Over an Adult Person* pursuant to RSA 464-A:4; :5-:9 ("*Emergency Petition*").

The *Emergency Petition* and associated protocols, see Administrative Order 2020-8, are authorized to respond to the expected unique health concerns for potential wards, other hospital patients, and caregivers, that may arise should New Hampshire experience, or imminently expect, a surge in critical care patients due to the COVID-19 pandemic. The intent of the *Emergency Petition* and associated protocols is to allow for prompt treatment of expedited petitions under RSA 464-A:4, IV; :5, IV-a, during the pandemic. These protocols will expire on May 4, 2020 unless otherwise specifically extended.

Pursuant to the authority granted to the undersigned pursuant to RSA 490-F and the *Renewed And Amended Order Suspending In-Person Court Proceedings Related to New Hampshire Circuit Court and Restricting Public Access to Courthouses* (New Hampshire Supreme Court March 27, 2020)(the "Supreme Court Renewed Order"), the venue for an *Emergency Petition* and all hearings shall be the 6th Circuit Probate Division-Concord. See Renewed Order ¶11. All *Emergency Petitions* shall be electronically filed as is the normal course for guardianship petitions, but with additional requirements as set forth in Administrative Order 2020-8.

In order to prevent further spread of COVID-19 and to allow for timely consideration of an *Emergency Petition*, the Probate Division will endeavor to hold hearings via video or teleconference within two business days of service on appointed counsel for the ward. See RSA 464-A:6 (right to counsel); RSA 464-A:5, IV-a (expedited hearings scheduled "in such manner and time as may be just"); Supreme Court Renewed Order ¶13. Circuit Court - Probate Division Rule 60 requiring 10 (ten) days notice of a hearing is hereby waived in light of the potential threat to public health from the COVID-19 virus should there be a surge in the need for critical care, or one is imminently expected. See id. (rule may be waived as justice requires); Cir. CT. - Probate Div. R. PREFACE (rules may be waived as "good cause appears and as justice may require").

Notice of hearings will be sent to the parties listed in RSA 464-A:4, II(d) electronically and/or telephonically. See RSA 464-A:5, IV-a (granting court authority, in expedited guardianship matters to issue orders of notice as appropriate). Conventional notice rules are hereby waived only to the extent set forth in this Administrative Order to allow for expeditious treatment of these matters and to further protect the health and safety of the parties. Appearances of parties must be filed electronically within twenty-four hours of notice.

Appointments of counsel for the ward pursuant to RSA 464-A:6 and this Administrative Order, shall authorize counsel to access the medical records of the proposed ward as necessary to provide adequate legal representation of the proposed ward.

To allow the greatest pool of available guardians, the caseload limit imposed for professional guardians, see Administrative Order 2014-63, is waived for all appointments made during the period covered by this order.

April 7, 2020

/s/ David D. King
David D. King
Circuit Court Administrative Judge