STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

RENEWED AND AMENDED
ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS
RELATED TO NEW HAMPSHIRE CIRCUIT COURT AND RESTRICTING
PUBLIC ACCESS TO COURTHOUSES

Pursuant to the emergency powers granted under RSA 490:6-a and conditioned upon Governor Sununu renewing his State of Emergency Declaration under RSA 4:45, New Hampshire Supreme Court Senior Associate Justice Gary E. Hicks, in conjunction with Governor Sununu's Stay at Home Order to prevent further spread of COVID-19, with the concurrence of all members of the Supreme Court, and with the concurrence of Governor Sununu regarding statutory deadlines, makes the following orders relative to **New Hampshire Circuit Courts** to respond to the ongoing COVID-19 pandemic.

1. As of March 27, 2020, and until May 4, 2020 and/or the last day of a Declared State of Emergency, the New Hampshire circuit courts will remain open on a restricted basis, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.

- The courthouses will be open **only** to individuals filing for emergency relief or who remain scheduled for in-person proceedings.
- Otherwise, the court will not be open to the general public.
- This means that, from now until May 4, 2020 and/or the last day of a Declared State of Emergency, citizens will not have access to view files or make copies at the courthouses.
- If you have questions about whether you should go to a courthouse, please call 855-212-1234.

2. The March 16, 2020 Order Suspending In-Person Court Proceedings remains in effect through April 6, 2020.

3. Subject to the exceptions in paragraph 4 below, **all in-person proceedings in the circuit courts will remain suspended from April 7, 2020 until May 4, 2020 and/or the last day of a Declared State of Emergency.**

4. Exceptions to suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bail-related matters, trials and plea agreements for incarcerated individuals.
- Requests for orders of protection for domestic violence under RSA 173-B, stalking under RSA 633:3-a and juvenile abuse under RSA 169-C:7-a, and hearings on such orders.
- Requests for child-related emergency orders in divorce/parenting cases under RSA 461-A and hearings on any emergency relief ordered.
- Temporary hearings in divorce/parenting cases.
- Hearings on the establishment or modification of child support.
- Division for Children, Youth and Families' requests for emergency orders and hearings on such orders, as well as other hearings in RSA 169-C cases if children are in out-of-home placement.
- Requests for detention or placement of a juvenile under RSA 169-B and all hearings in RSA 169-B cases for juveniles who are detained or in an out-of-home placement.
- Requests for placement of a juvenile under RSA 169-D and all hearings in RSA 169-D cases in which the juvenile is in an out-of-home placement.
- Proceedings related to petitions for temporary emergency injunctive relief.
- Proceedings related to emergency mental health orders, including Involuntary Emergency Admission and Involuntary Admission (probate commitment) proceedings under RSA 135-C.
- Requests for emergency orders in minor guardianship cases under RSA 463 or guardianship over incapacitated persons under RSA 464-A, and hearings on such orders.
- Requests for emergency relief under RSA 540-A in landlord/tenant matters and hearings on such orders.
- Proceedings directly related to the COVID-19 public health emergency.
- Other exceptions as approved by the Senior Associate Justice.

5. However, to comply with the ongoing recommendations to mitigate the risks of COVID-19, the court will conduct many of the above-referenced cases telephonically, to the extent possible. The court will notify parties if their hearing will be telephonic.

6. In addition to the above-referenced exceptions, the circuit court may conduct telephonic hearings in other cases, as determined by the Administrative Judges of the circuit court, in consultation with the trial judges or their designees.

7. For any of the above hearings, please continue to mail any filings as you normally would. In the exceptional circumstance that you cannot print and mail your filings, you may submit documents by email to the COVID-19 email address provided on your hearing notice, or obtained through the Information Center. If you must submit documents by email, include your name and case number in the subject line.

8. Any filing/exhibit submitted by email must also be sent to the court via U.S. mail, to be docketed as part of the official court record.

9. Emailed filings should only occur in cases that are scheduled for hearings pursuant to this Order. Any submission unrelated to such hearings will not be accepted by email.

10. Effective immediately, all courts will accept electronic signatures on pleadings and will allow litigants' signatures to be electronically signed by attorneys and/or bail commissioners with a statement that they have communicated with the litigant who has authorized them to do so.

11. The Administrative Judges of the circuit court may determine, based upon staffing levels or other factors, that hearings in individual cases subject to the exceptions indicated above be conducted at court locations other than those at which they would normally occur or be conducted by video or by telephone. Any statutory restrictions on venue are hereby suspended for the duration of this order.

12. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

13. Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, clerks of court are charged with ensuring that core constitutional and safety-related court functions continue. Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended for the duration of this order.

14. If it becomes necessary to fully close a courthouse during the period of suspension, the court offices shall remain accessible by telephone and email to the extent possible during their regular business hours. If available, drop boxes should be used for conventionally filed documents.

15. This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.

16. Deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise that are set to expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency. Statutes of limitations and statutes of repose that would otherwise expire during the period between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency.

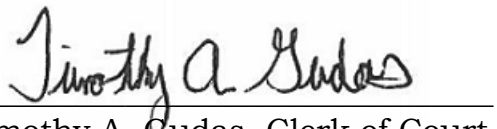
17. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are not extended or tolled by this order.

18. Orders of protection and temporary injunctions that would otherwise expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency.

19. This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

20. Unless renewed or explicitly revoked beforehand, this order shall remain in effect until 8:00 a.m. on May 4, 2020 and/or the last day of a Declared State of Emergency.

Issued: March 27, 2020

ATTEST: 

Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire