STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

Following the Governor's March 13, 2020 declaration of a State of Emergency under RSA 4:45, and pursuant to the emergency powers granted under RSA 490:6-a, New Hampshire Supreme Court Senior Associate Justice Gary E. Hicks makes the following orders to respond to the COVID-19 pandemic.

1. The New Hampshire Circuit, Superior and Supreme Courts will remain open on a restricted basis, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.

2. Subject to the exceptions in paragraph 4 below, **all in-person proceedings in the Circuit, Superior and Supreme Courts are suspended from close of business on Monday, March 16, 2020 through April 6, 2020**.

3. Unless renewed or explicitly revoked beforehand, this order shall remain in effect until 8:00 a.m. on April 7, 2020.

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 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.
- Division for Children, Youth and Families' requests for emergency orders, hearings on such orders, and adjudicatory 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 adjudicatory hearings in RSA 169-B cases in which the juvenile is detained or in an out-of-home placement.

- Requests for placement of a juvenile under RSA 169-D and adjudicatory 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. The presiding trial judge, or her or his designee, in each court is authorized to determine the extent and manner in which in-person court proceedings for the exceptions listed above are to be conducted and may determine that such hearings are to be conducted telephonically.

6. The Chief Justice of the Superior Court and 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.

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

8. 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.

9. If it becomes necessary to 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.

10. 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.

11. Deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise that are set to expire between March 16 and April 6, 2020 are hereby extended to April 7, 2020. Statutes of limitations and statutes of repose that would otherwise expire during the period between March 16 and April 6, 2020 are hereby extended to April 7, 2020.

12. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 16 and April 6, 2020 are not extended or tolled by this order.

13. Orders of protection and temporary injunctions that would otherwise expire between March 16 and April 6, 2020 are hereby extended to April 7, 2020.

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

Issued: March 16, 2020

ATTEST: Timothy A. Gudas

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