PMO-SJC-3

STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER
Order Issued March 30, 2020
(revised May 5, 2020)

Emergency Rule from the Supreme Judicial Court for the Filing of Documents in Priority Case Types

The Clerk's offices of the Judicial Branch are being inundated with emails from parties and counsel that do not comply with previous orders issued by the Supreme Judicial Court or the Trial Court Chiefs. This Order is intended to re-enforce and reiterate the requirement that only certain documents may be sent to Clerk's offices by email.

In response to the public health concerns arising from the novel coronavirus (COVID-19), only certain cases are being scheduled or heard in Maine's courts. To allow for those specified cases to be heard safely, efficiently, and effectively, certain petitions, applications, complaints, motions, and reports in any of the matters that are being scheduled and heard may be filed by email, Mondays through Friday, between 8 a.m. and 3 p.m. Each email filing must be sent to the Clerk at the email address provided by the Clerk and to opposing counsel, or if unrepresented by counsel, to the opposing party.

Only petitions, applications, complaints, motions, and reports in the following case types may be filed by email:

<u>Mental Health Docket</u>

- Application to admit a person to a psychiatric hospital on an emergency basis
- Application to admit a person to a psychiatric hospital
- Application for an order of involuntary treatment
- Application to admit a patient to a progressive treatment program
- Motion to continue hearing on application
- Individual treatment plan
- Report of independent examiner
- Motion for dismissal or transfer

- Application for continued involuntary commitment or continued involuntary commitment and treatment
- Motion to dissolve, modify, or extend a progressive treatment program order
- Request for conference or hearing to be conducted by telephone or video

Unified Criminal Docket

- Motion for hearing on motion to revoke bail
- Motion for hearing on motion to revoke probation
- Motion to review bail
- Motion to amend bail
- Motion to extend stay of execution
- Motion for entry of plea and to impose sentence (only if defendant is in custody, there is an agreement, and the plea will result in release)
- Motion to continue
- Request for hearing to be conducted by telephone or video
- Motion to withdraw and to appoint substitute counsel

Juvenile Docket

- Motion for review of detention
- Motion for entry of judgment of adjudication and to impose disposition (only if juvenile is currently detained, by agreement, and adjudication will result in release)
- Motion to continue
- Request for conference or hearing to be conducted by telephone or video

Protection from Abuse and Protection from Harassment Dockets

- Motions to dissolve temporary order
- Motions to amend or terminate order for protection
- Motions to extend order
- Motions to continue
- Requests for hearing to be conducted by telephone or video
- Complaints for protection from abuse (complaints for protection from harassment **cannot** be filed electronically)

Child Protection Dockets

- Preliminary protection order request and supporting affidavit
- Executed waiver of summary preliminary hearing
- Child protection petition
- Guardian ad litem report
- Application for appointment of counsel
- Motion for genetic testing
- Proposed Case Management Order
- Stipulated Jeopardy Order
- Stipulated Judicial Review and Permanency Planning Order
- DHHS Case and Family Service Plan
- Motion for expedited judicial review
- Motion for service by publication
- Petition to terminate parental rights
- Motion to continue
- Request for conference or hearing to be conducted by telephone or video
- Financial affidavit

Guardianship of Minor Dockets

- Petition for appointment of guardian of minor if a motion for an emergency guardian is being filed
- Motion for appointment of guardian on an emergency basis
- Motion to continue
- Motion for conference or hearing to be conducted by telephone or video

Other

- Exhibit for hearing that has been approved for telephonic or video hearing

In all other respects, the application, petition, complaint, or motion must comply with the rules of civil procedure and applicable statutory requirements and deadlines.

Every pleading and motion filed by email is subject to the requirements of M.R. Civ. P. 11(a). In order to comply with M.R. Civ. P. 11(a), any application, petition, complaint, or motion sent to the court by email must include the following language:

"I certify that there are good grounds to support this pleading, that it complies with PMO-SJC-3, and that it is not being filed to cause any delay." This language must be followed by an "/s/" signature line containing the printed name of the filing party/attorney.

In addition to email, if utilized, a paper copy must be mailed to the court and to opposing counsel, or if unrepresented by counsel, to the opposing party.

Any email received that is not in accordance with this order will be rejected by the Clerk, and no filing will have occurred. **Repeated violations of this order may result in sanctions.**

Dated: May 5, 2020

For the Court:

s/
Andrew M. Mead
Acting Chief Justice