IN THE UTAH SUPREME COURT and UTAH JUDICIAL COUNCIL

Administrative Order for Court Operations During Pandemic

ADMINISTRATIVE ORDER
March 21, 2020

The World Health Organization has declared the COVID-19 outbreak to be a pandemic. Governor Herbert has declared a state of emergency. To protect the public and all court participants it has become necessary for the Utah judiciary to implement its Pandemic Response Plan.

To bring uniformity to the operation of the courts during the COVID-19 pandemic, the Chief Justice issued a March 13, 2020 Administrative Order. The purpose of the March 13, 2020 Administrative Order was to identify mission-critical functions of the judiciary at each court level, ensure that the courts remain open to perform those functions, and to do so in a manner that promotes the health of the public and all court participants.

In light of changing circumstances, it has become necessary to amend and replace the March 13, 2020 Administrative Order. Effective March 21, 2020, this Administrative Order amends and entirely replaces the March 13, 2020 Administrative Order.

IT IS HEREBY ORDERED:

General Orders

1. In accordance with page 6 of the Pandemic Response Plan, the Pandemic Response Plan is activated. The judiciary is at level "Red" in the plan and all members of the Judiciary are hereby instructed to implement the provisions in both level "Yellow" and level "Red". All court personnel should be provided access to the Pandemic Response Plan as well as the Continuity of Operations Plan. The pandemic response plan remains operative. However, to the degree it is inconsistent with this Order, this Order supersedes the plan.

2. The coronavirus response team formed by the Administrative Office of the Courts is authorized to coordinate and implement the pandemic response. The response team should regularly communicate with members of the judiciary with information about COVID-19 and about efforts that have been taken, should be taken, and will be taken in response to the pandemic.

3. Presiding judges, trial court executives, clerks of court, and chief probation officers should implement their district pandemic response plans and should coordinate with community partners, such as sheriffs, jails, prosecutors, and defense attorneys. The districts should continually communicate with the response team on the effects of the pandemic in their area.

4. Managers must act in accordance with the Pandemic Response Plan by developing alternate work schedules, permitting or requiring telework, and cancelling in-person meetings and conferences, or conducting them remotely when possible.

5. Consistent with the Pandemic Response Plan, the coronavirus response team must help each court implement measures that will continue the mission-critical work of the judiciary while also protecting members of the judiciary and the general public.

Orders Applicable to All Court Levels

6. All courthouses shall remain open during regular business hours in a manner necessary to effectuate the mission of the courts, which may include being electronically or telephonically accessible. Individuals who show symptoms of COVID-19 or who have been exposed to someone with the symptoms of COVID-19 may not enter the courthouse.

7. Courts shall continue to accept filings, and shall be available to answer phone calls, emails, and other communications. Individuals who do not have access to e-filing may file pleadings by email in any pending case. If an individual wishes to file a pleading to initiate a case or file a notice of appeal, the individual should contact the court by telephone to make arrangements for filing. Lawyers are encouraged to stipulate to extensions of time. Judges are directed to grant liberally motions for extensions of time. This Order does not extend filing deadlines. Any future extension of a specific deadline will be made by separate order.

8. Self-represented litigants may file, without a wet signature, protective order requests, stalking injunction requests, and pleadings. The court will consider such a pleading "signed" consistent with Title 46, Chapter 4 of the Utah Code, Uniform Electronic Transactions Act, if (1) self-represented litigants include their name on the signature line of a pleading with the necessary declaration; and (2) the pleading is sent as an attachment in an email with a visible email address. Clerks of court shall accept emailed filings that meet these requirements.

9. Absent exigent circumstances, all hearings shall be conducted on the papers, or through remote transmission, such as by telephone or video conferencing. If an in-person hearing is necessary due to exigent circumstances, the Court shall conduct the hearing consistent with all applicable government and public health Orders, and the Court's Pandemic Response Plan. A person who appears at the courthouse in response to a summons or pursuant to a promise to appear shall be given a new date to appear in court after June 1, 2020, and the court or clerk may address summary matters.

10. District court and justice court judges are directed to suspend all criminal jury trials (whether the defendant is or is not in custody) and all civil jury trials until after June 1, 2020. If a defendant is in-custody on class B or C misdemeanor offense(s), the assigned judge must reconsider the

defendant's custody status and is encouraged to release the defendant subject to appropriate conditions.

11. Presiding judges shall issue whatever orders are necessary to facilitate remote transmission of court hearings and to implement all other provisions of this Order. Orders issued by presiding judges or individual judges before the effective date of this Order that are consistent with this Order remain in effect. Orders may be issued hereafter by presiding judges or individual judges provided they are consistent with this Order. Any order issued by a presiding judge or individual judge before or after the effective date of this Order is superseded to the extent the Order is inconsistent with this Order.

Orders Applicable to Appellate Courts

12. Briefs shall be forwarded to the appellate courts by a PDF attachment to an email, with paper copies filed later upon the direction of the Clerk of Court.

13. Pending further notice, the appellate courts will determine which cases to set for oral argument. In general, except where oral argument would not facilitate the decisional process, oral arguments will be conducted in cases such as child custody, juvenile detention, child-welfare adjudications and dispositions, and other hearings involving child safety, in-custody defendants, and election matters.

14. Oral arguments shall be conducted by remote transmission.

15. Cases not set for oral arguments may be decided on the briefs.

Orders Applicable to District Courts

Criminal Cases

16. In accordance with paragraph 9 above, district courts shall continue to perform all mission-critical functions for in-custody defendants. As used here, mission-critical functions include, but are not necessarily limited to, probable cause review of warrantless arrests, bail hearings, bench warrant hearings, first appearances, appearances mandated by statute, preliminary hearings, and sentencing hearings.

17. District court judges are directed to continue until after June 1, 2020 all hearings in cases involving defendants who are not in custody.

Civil Cases

18. In accordance with paragraph 9 above, district courts shall continue to perform all mission-critical functions. As used here, mission critical functions include, but are not necessarily limited to, protective order hearings, stalking injunction hearings, temporary restraining order hearings,

guardianship hearings where the minor or incapacitated person is at risk of harm, involuntary commitment hearings, and hearings related to enforcement of custody and parent-time orders.

19. District court judges may hold other hearings in civil cases, provided the hearing is conducted by remote transmission and court staff is available.

Orders Applicable to Juvenile Courts

20. Juvenile court judges are directed to continue until after June 1, 2020 all hearings with the exception of the following: shelter hearings, child welfare adjudication and disposition hearings, detention hearings, in-custody delinquency adjudication and disposition hearings, detention reviews, protective orders, and any other hearing involving a child being at imminent risk of abuse, neglect, or dependency. Except as detailed below, these exceptional hearings shall be conducted on the papers or by remote transmission.

21. Any child welfare, delinquency, or protective order timeline may be extended by the court.

22. In accordance with paragraph 9 above, juvenile court judges are directed to conduct all child welfare hearings by remote transmission. If an exigent circumstance requires an in-person hearing, the following child welfare hearings may be held in a courtroom: (1) shelter hearings; (2) adjudication in removal cases; (3) adjudication in protective supervision cases where failure to adjudicate is likely to result in removal; and (4) any other hearing involving a child being at imminent risk of abuse, neglect, or dependency.

23. In accordance with paragraph 9 above, juvenile court judges are directed to conduct all delinquency hearings by remote transmission. If an exigent circumstance requires an in-person hearing, the following delinquency hearings may be held in a courtroom: (1) adjudication when a youth is in detention; (2) detention and detention reviews; and (3) any other hearing involving serious risk of community safety or safety of a youth only when alternatives to custody or confinement have been attempted and have failed.

Orders Applicable to Justice Courts

24. In accordance with paragraph 9 above, justice courts shall continue to perform all mission-critical functions for in-custody defendants. As used here, mission-critical functions include, but are not necessarily limited to, probable cause review of warrantless arrests, bail hearings, bench warrant hearings, arraignments, appearances mandated by statute, and sentencing hearings.

25. Justice court judges are directed to continue until after June 1, 2020 all hearings in criminal cases involving defendants who are not in custody, and all hearings in small claims cases.

26. Justice court judges are directed to continue until after October 1, 2020 all hearings in cases involving defendants who are not in custody and who are charged with violations of the traffic

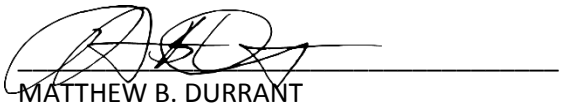
code, except for cases in which the defendant is charged with reckless driving or driving under the influence.

27. Any justice court that fails to conform to this Order is subject to decertification by the Judicial Council.

Order Subject to Amendment

28. This Order may be amended at any time to respond to changed conditions.

DATED this 21st day of March 2020.



MATTHEW B. DURRANT
Chief Justice, Utah Supreme Court

DATED this 21st day of March 2020.

MATTHEW B. DURRANT
Presiding Officer, Utah Judicial Council