IN THE UTAH SUPREME COURT

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In Re: Order for Court Operations During Pandemic

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Administrative Order

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 members of the judiciary it has become necessary for the Utah judiciary to implement its Pandemic Response Plan.

In addition, in light of the various orders being issued by courts throughout the state, for the benefit of the public and each court, it has become necessary to issue a single order to govern all courts. This order supersedes all orders relating to the pandemic issued by any court or district, including appellate, district, juvenile, and justice. All other orders related to the pandemic are no longer in effect.

To perform the mission-critical functions of the judiciary, the chief justice as the presiding officer of the Judicial Council, with the assistance of members of the Judicial Council who represent each court level, has identified the mission-critical functions courts must perform. The following order identifies the functions that all courts must perform, along with functions that must be performed by each court level.

It is hereby ordered as follows:
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 respective areas.

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, 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:

1. All courthouses must remain open during regular business hours. Individuals who show symptoms of COVID-19 or who have been exposed to someone with the symptoms of COVID-19 may not enter courthouses.

2. Courts must continue to accept filings, and be available to answer phone calls, emails, and other communications. Individuals who do not have access to efiling may file pleadings by email in any pending case. If an individual is filing a pleading to initiate a case, the filing must be done in person. If the individual is prohibited from entering the courthouse, the individual should contact the court to make arrangements for filing.

3. Proceedings should be conducted through remote transmission, such as by phone or video, when circumstances allow.

4. If a jury trial is conducted as provided below, the court should implement jury selection processes that protect the health and safety of the individuals who might be called for jury duty, such as limiting contact between individuals, having hygiene products available, and taking recesses as necessary to allow individuals an opportunity to take COVID-19 preventative measures, such as washing hands. Courts must ensure that prospective jurors receive information about the courts' efforts to implement safety and protective measures prior to prospective jurors coming to the courthouse.

5. A judge may limit access to a courtroom if the judge determines it is necessary to protect those individuals who must be in the courtroom. If possible, courts should remotely transmit the proceedings to those who are not able to be in the courtroom.

6. In addition to the proceedings below, courts may conduct proceedings on a case-by-case basis, upon motion by a party or on the court's own motion, when expediency is necessary.

7. Mediations conducted by the Court-Annexed Alternative Dispute Resolution Department are suspended.

Orders applicable to the Utah Court of Appeals and the Utah Supreme Court.

1. The courts must continue to receive and process all filings in the ordinary course of business.

2. Pending further notice, all oral arguments, with the exception of those involving the case types set forth below, will be suspended.
    - child custody
    - juvenile detention, child-welfare adjudications and dispositions, and other hearings involving child safety
    - in-custody defendants
    - election matters

Orders applicable to the District Courts

1. All matters are continued until further notice with the exception of:
    - in-custody hearings
    - trials for individuals held in-custody on an underlying charge
    - motions to recall bench warrants hearings
    - all domestic violence hearings
    - evictions proceedings as required by statute
    - sentencing hearings
    - jury trials, except as provided below

2. Matters regarding criminal cases are continued until further notice with the exception of
    - initial appearances
    - bail hearings
    - preliminary hearings
    - speedy trial for those in-custody defendants whose constitutional rights are at risk
    - orders to show cause for those in-custody
    - sentencings
    - domestic violence post-arrest appearances
    - motions to recall a bench warrant

3. Matters regarding civil cases are continued until further notice with the exception of:
    - temporary restraining orders
    - preliminary injunctions, including disputes regarding visitation and custody enforcement
    - protective orders, stalking injunctions, and dating violence protective orders
    - guardianships

Orders applicable to the Juvenile Courts

1. All matters are continued with the exception of:
    - shelter hearings
    - child welfare adjudication and disposition hearings
    - detention hearings
    - in-custody delinquency adjudication and disposition hearings
    - detention reviews
    - protective orders
    - any other hearing involving the imminent safety of a child

Orders applicable to the Justice Courts

1. Justice courts must remain open regardless of local directives closing government offices. Justice courts should contact the Administrative Office of the Courts if assistance is needed in ensuring courthouses are open.

2. All court hearings are canceled except for the following:
    - in-custody hearings
    - bench warrant hearings
    - trials for individuals being held in custody on that case
    - all hearings on domestic violence cases
    - sentencing hearings

3. Judges will continue to perform all magistrate functions including pretrial release and bail determinations, and search warrants.

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

This order is effective until further order of the court.

Dated this 13th of March 2020

MATTHEW B. DURRANT
Presiding Officer, Utah Judicial Council
Chief Justice, Utah Supreme Court