STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – EFFECTIVE MAY 26, 2020

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

Pursuant to its constitutional and statutory authority and powers of general superintendence over the New Hampshire court system, and conditioned upon Governor Sununu renewing his State of Emergency Declaration under RSA 4:45, the New Hampshire Supreme Court, 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 May 26, 2020, and through June 15, 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.
- Until June 16, 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. To learn more about requesting copies of documents, please see the NHJB website COVID page.
- If you have questions about whether you should go to a courthouse, please call 855-212-1234.

2. The April 24, 2020 Second Renewed and Amended Order Suspending In-Person Court Proceedings Related to New Hampshire Circuit Court and Restricting Public Access to Courthouses remains in effect until 8:00 a.m. on May 26, 2020.

3. Subject to the exceptions in paragraph 4 and 6 below, all in-person proceedings in the circuit courts will remain suspended from May 26, 2020, through June 15, 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 whether financial, medical, or both.
- 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.
- Petitions for guardianship of minors 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 related to actions against tenants under RSA Ch. 540 in which the termination of the tenancy is based upon the reasons set forth in RSA 540:2, II(b) ("Substantial damage to the premises by the tenant, members or his household or guests") or RSA 540:2, II(d) ("Behavior of the tenant or members of his family which adversely affects the health or safety of the other tenants or the landlord or his representatives, or failure of the tenant to accept suitable temporary relocation due to lead-based paint hazard abatement,…").

- 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 or by video, to the extent possible. The court will notify parties if their hearing will be telephonic and/or by video.

6. In addition to the exceptions in paragraph 4 above, the circuit court may conduct in-person, telephonic or video hearings in other cases, as determined by the Administrative Judges of the circuit court, in consultation with the trial judges or their designees.

7. The circuit court will conduct any trial remotely. If you would like to schedule a remote trial, please contact your clerk of court.

8. 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.

9. 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.

10. 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.

11. The procedural requirement set forth in RSA 604-A:2 that a defendant complete a financial statement before the circuit court appoints counsel is modified to allow (1) a court to appoint counsel automatically for the defendant's arraignment or first court appearance and (2) a financial statement to be submitted to the court on the defendant's behalf for court review within 30 days of appointment.

12. Notwithstanding Rule 11(a)(4) of the Rules of Criminal Procedure, the circuit court may take a plea from a defendant without a signed Acknowledgement and Waiver of Rights Form by reviewing the defendant's rights on the record and obtaining the defendant's oral waiver.

13. 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.

14. 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.

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

16. 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.

17. This order encourages 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.

18. With the exception of paragraphs 19 and 20 below, all deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise are no longer extended and are in effect. However, deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, or administrative orders for scheduling hearings may be extended as the needs of the trial court require.

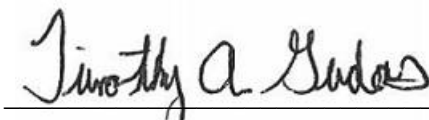
19. Orders of protection and temporary injunctions that would otherwise expire between May 26, 2020, and June 15, 2020 and/or the last day of a Declared State of Emergency are hereby extended to June 16, 2020 and/or the last day of a Declared State of Emergency.

20. Deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise in all landlord/tenant matters under RSA 540 are extended to June 16, 2020, with the exception of deadlines in landlord/tenant matters under RSA 540 filed pursuant to paragraph 4 above.

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

22. Unless renewed or explicitly revoked beforehand, this order shall remain in effect through June 15, 2020 and/or the last day of a Declared State of Emergency.

Issued: May 21, 2020

ATTEST: 

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