

RECOMMENDED BY JUDGE ABILLA
2022 JUN 23 AM 10:58
MG

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

ADOPTION AND IMPLEMENTATION OF)
PRESUMPTIVE STANDARDS FOR)
REMOTE AND IN-PERSON HEARINGS)
FOR THE SUPERIOR COURT IN)
PINAL COUNTY)

ADMINISTRATIVE ORDER

No. 2022 - 00037

In June 2021, the Arizona Supreme Court's COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings. In January 2022 the workgroup reconvened and issued a report, Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World ("Report") which includes as Appendix 1 recommendations regarding which hearing types should be held remotely and which should be held in person ("Presumptive Standards").

On April 27, 2022, the Supreme Court issued Administrative Order No. 2022-46 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requires the presiding judge of the superior court in each county to issue an administrative order adopting standards for the superior court in their county regarding which hearing types will be held remotely and which hearing types will be held in person. Administrative Order No. 2022-46 allows the presiding judge of the superior court to adapt the Presumptive Standards as necessary due to limitations in local court resources, bandwidth, technology hardware, software, and staffing or, for good cause, to meet unique needs in their respective counties.

Therefore, pursuant to Supreme Court Administrative Order No. 2022-46,

IT IS ORDERED adopting the Chart attached hereto as the presumptive manner for holding hearings set on or after August 1, 2022 in the Superior Court in Pinal County under the following conditions:

- Court resources and staffing responsibilities must be resolved before all Presumptive Standards can take effect,

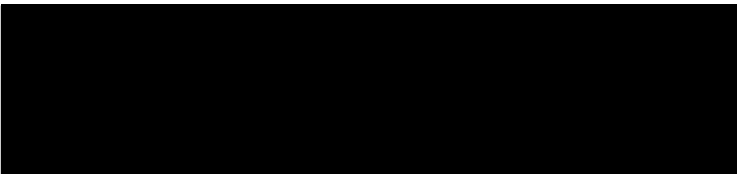
Administrative Order
Presumptive Standards

- When a Remote Hearing is the Presumptive Standard or otherwise authorized, a person may appear in-person in the courtroom or by remote means.
- Authorization for a Remote Hearing by video conference is subject to the following conditions and a party waives their appearance if the following conditions are not met:
 1. Parties must use the video conference system that is selected by the Court; and,
 2. Parties must test and confirm, before the court hearing, that they have the required equipment, in good working order, properly configured, and supported by a strong and reliable internet connection, and the person must actually provide a clear audio and video feed, free from background noise, during the hearing.
- The Court reserves discretion to handle cases where persons are appearing in-person before cases where persons are appearing by video conference.
- The above presumptive standards do not limit the discretion of the Court to make a hearing-specific deviation, if the presumptive standard is not practicable or otherwise not in the interest of justice, provided that the Court provide timely notice to the parties.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court as outlined in Appendix A.

IT IS FURTHER ORDERED that hearings in the superior court in Pinal County must be offered in the presumptive manner, but a judge assigned to a case may make a hearing specific deviation from the presumptive manner in which a hearing must be held if holding the hearing in the presumptive manner is not practical or otherwise not in the interest of justice. The court must provide notice to the parties when such an alternative is utilized.

Dated this 22 day of June, 2022.



Joseph R. Georgini,
Presiding Judge, Superior Court of Pinal
County

Administrative Order
Presumptive Standards

Original: Clerk of the Superior Court

Copies: Pinal County Judges
Rebecca Padilla, Clerk of the Court
Kent Volkmer, County Attorney
Kate Milewski, Public Defender
Cathryn Whalen, Office of Public Defense Services
Todd D. Zweig, Court Administration
Natalie Jones, Vulnerable Persons Unit
Tracy McElroy, Conciliation Court Director

Appendix A

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
<u>Civil</u>			
<i>General</i>			
	Preliminary Injunction – Witness		X
	Settlement Conference		X
	Compulsory Arbitration – Witness		X
	Good Faith Settlement Hearing		X
	Pre-trial/Motion – Witness		X
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Contempt – Witness		X
	Post-Judgment Proceedings – Witness		X
	If none of the above categories apply: Any Other Hearing	X	

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
<u>Criminal</u>			
<i>General</i>			
	Change of Plea/Admission		X
	Jury Selection/Jury Trial/Bench Trial		X
	Sentencing/Disposition		X
	Specialty Courts		X
	Any Other Evidentiary Hearing		X
	Any Other Non-Evidentiary Hearing Scheduled for more than 10 minutes per Party		X
	If none of the above categories apply: Any Hearing when the Defendant may need to sign a document or provide a fingerprint such as Release Conditions or Conditions of Probation	X Counsel	X Defendant
	If none of the above categories apply: Any Other Hearing	X	

Appendix A

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
<i>Family</i>			
<i>General</i>	Pre-trial/Motion/Temporary Orders – Witness		X
	Alternative Dispute Resolution – Witness		X
	Trial		X
	Post-Decree/Post-Judgment – Witness		X
	Contempt/Civil and Child Support Arrest Warrant – Witness		X
	IV-D Hearing – Witness		X
	Accountability and Enforcement		X
	*Conciliation Services	X	X
	If none of the above categories apply: Any Other Hearing	X	

* Conciliation Services will be comprised of both remote and in-person services that is case dependent.

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
<i>Juvenile Court</i>			
<i>Dependency, Termination, Guardianship and Successor Guardianship</i>			
	*Preliminary Protective/Initial Dependency	X	
	Pre-adjudication/Motion – Non-witness	X	
	Pre-adjudication/Motion – Witness		X
	Dependency Alternative Program Hearing		X
	Settlement Conference		X
	Dependency Adjudication		X
	Disposition		X
	Review of Temporary Custody/Return of Child		X
	Contested Change of Physical Custody		X
	Review/Permanency	X	
	Initial Termination	X	
	Termination Adjudication		X
	Initial Guardianship	X	
	Guardianship Adjudication		X
	Guardianship Review	X	

*Preliminary Protective/Initial Dependency Hearings will be held remotely due to the increased parental participation.

Appendix A

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
Juvenile Court			
Delinquency/ Incorrigibility		X	X
	*Detention/Advisory	X	X
	Transfer		X
	Pre-adjudication/Motion – Witness		X
	Change of Plea		X
	Adjudication		X
	Disposition		X
	Restitution		X
	Probation Violation – Witness		X
	If none of the above categories apply: Any Other Hearing	X	
Adoption/Emancipation	Hearing – Non-witness	X	
	Hearing – Witness		X
Other	Hearing – Non-witness	X	
	Hearing – Witness		X

*Detention and Advisory Hearings may be done remotely or in-person based on resource availability.

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
Probate			
All Case Types (Unless Listed Otherwise)			
	Initial Hearing	X	
	Pretrial/Motion/Conference – Non-witness	X	
	Pretrial/Motion/Conference – Witness		X
	Alternative Dispute Resolution – Non-witness	X	
	Alternative Dispute Resolution – Witness		X
	Settlement Conference		X
	Evidentiary Hearing		X
	Order to Show Cause/Compliance Hearing		X
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X

Appendix A

Case Type	Hearing Type	Remote	In-Person
<i>Probate</i>			
<i>Guardianship/ Conservatorship/ Decedent Estates</i>			
	Final Accounting – Uncontested	X	
	Final Accounting – Contested		X
	Settlement of Claims for Minors and Adults in Need of Protection/Distributions to Persons Under Disability – Non-witness	X	
	Settlement of Claims for Minors and Adults in Need of Protection/Distributions to Persons Under Disability – Witness		X
<i>Mental Health/Civil Commitment</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Evidentiary Hearing (including on recommitment)		X
<i>Name Change</i>	Non-witness	X	
	Witness		X
<i>Adult Adoption</i>	Non-witness	X	
	Witness		X

<u>Case Type</u>	<u>Hearing Type</u>	<u>Remote</u>	<u>In-Person</u>
<i>Protective Order</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	