

FILED
5:00 O'Clock P.M.

SEP 28 2022 ✓

IN THE SUPERIOR COURT
IN THE COUNTY OF YAVAPAI, IN AND FOR THE STATE OF ARIZONA
DONNA McQUALITY, Clerk
BY J. DEBOIS

In the Matter of:

ADOPTION AND IMPLEMENTATION
OF PRESUMPTIVE STANDARDS FOR
REMOTE AND IN-PERSON HEARINGS
FOR THE SUPERIOR COURTS IN
YAVAPAI COUNTY

Administrative Order
No. 2022 - 24

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 March 24, 2022, the Arizona Judicial Council approved adoption of the Report, which includes as Appendix 1 the Plan B Workgroup's recommendations about which hearing types should be held remotely and which should be held in-person. Those recommendations were adopted as presumptive standards for Arizona courts in Administrative Order No. 2022-46. That order was replaced by Administrative Order No. 2022-88 issued on August 3, 2022.

Administrative Order No. 2022-88 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.

IT IS ORDERED adopting the chart attached hereto as the presumptive manner for holding hearings set on or after **October 1, 2022** in the **Superior Courts in Yavapai County**.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court for the following hearing types and reasons

- **Oral Arguments** – adaption due to (may include but not limited to) the interest of justice, interest of judicial economy, clarity of release conditions, preference of some persons with matters of the court, insufficiency of technology for some persons with matters of the court, safety of listed victims and their relations when setting release conditions, respect for victim rights, sufficiency of identification, decorum of court proceedings, gravity of court orders, timeliness in adjudication of matters.

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() Child Protective ()
() Courtroom ()
() _____
() _____
() _____ () Other _____

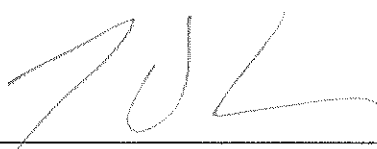
- **Mental Health/Civil Commitment Pre-Trial/Motion and Evidentiary Hearing** (including on recommitment) – adaption due to the unavailability of local mental health professionals to appear in person.

IT IS FURTHER ORDERED that hearings in the **Yavapai County Superior Courts** must be held 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.

IT IS FURTHER ORDERED that for any hearing scheduled to be conducted remotely, the individual charged with an offense may elect to attend the hearing in person.

IT IS FURTHER ORDERED that, notwithstanding the presumptive manner for holding hearings and the adaptations to the presumptive manner outlined in this Administrative Order, any hearing type, with the exception of criminal trials, may be conducted remotely upon the request of a party, good cause appearing, and consistent with the requirements of applicable rules. Any motion seeking such relief must be filed 15 days prior to the hearing and must state the position of the other parties or it may be summarily denied.

Dated this 27th day of Sept, 2022.



Hon. John Napper
Presiding Judge, Yavapai County Superior Court

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Civil Procedure (Including Proceedings Under the Rules of Procedure for Judicial Review of Administrative Decisions; Superior Court Rules of Appellate Procedure - Civil and Criminal and Tax Court Rules of Practice)</i>			
<i>General</i>			
	Temporary Restraining Order	X	
	Preliminary Injunction – Non-witness	X	
	Preliminary Injunction – Witness		X
	Scheduling Conference	X	
	Settlement Conference		X
	Compulsory Arbitration – Non-witness	X	
	Compulsory Arbitration – Witness		X
	Good Faith Settlement Hearing		X
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Default	X	
	Contempt – Non-witness	X	
	Contempt – Witness		X
	Post-Judgment Proceedings – Non-witness	X	
	Post-Judgment Proceedings – Witness		X
	Excess Proceeds	X	
	Amended Marriage Licenses and Birth Certificates	X	
	Forfeitures	X	
<i>Civil Court Appellate – Civil and Criminal</i>			
	Motion	X	
	Oral Argument		X

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Criminal Procedure</i>			
	Initial Appearance	X	
	Arraignment	X	
	Grand Jury Proceedings ¹		
	Preliminary Hearing – Non-witness	X	
	Preliminary Hearing – Witness		X
	Bail Eligibility Hearing	X	
	Early Disposition Court	X	
	Rule 11 (Competency) – Non-witness	X	
	Rule 11 (Competency) – Witness		X
	Fugitive from Justice		X
	DUI Court		X
	Therapeutic Court		X
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea		X
	Submitting Case on Record	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Sentencing		X
	Restitution		X
	Setting Aside a Conviction	X	
	Restoring Civil Rights	X	
	Expungement	X	
	Post-Conviction – Non-witness	X	
	Post-Conviction – Witness		X
	Probation Violation – Initial Appearance	X	
	Probation Violation – Non-witness	X	
	Probation Violation – Witness		X
	Probation Violation Disposition		X
	Bond Forfeiture/Exoneration	X	

¹ During the pandemic, some the Superior Court in some Counties conducted in-person grand jury proceedings, while others conducted remote grand jury proceedings. These Recommendations defer to the Superior Court in each county to consider practicalities and the interests of justice to determine how grand jury proceedings should be conducted.

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Family Law Procedure</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Default	X	
	Resolution Management Conference	X	
	Temporary Orders – Non-witness	X	
	Temporary Orders – Witness		X
	Alternative Dispute Resolution – Non-witness	X	
	Alternative Dispute Resolution – Witness		X
	Conciliation Services		X
	Early Resolution Conference	X	
	Scheduling Conference	X	
	Trial		X
	Post-Decree/Post-Judgment – Non-witness	X	
	Post-Decree/Post-Judgment – Witness		X
	Contempt/Civil and Child Support Arrest Warrant – Non-witness	X	
	Contempt/Civil and Child Support Arrest Warrant – Witness		X
	IV-D Hearing – Non-witness	X	
	IV-D Hearing – Witness		X
	Specialty Court		X
	Decree on Demand	X	
	Accountability and Enforcement		X

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Juvenile Court Procedure</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	
<i>Delinquency/Incorrigibility</i>			
	Advisory	X	
	Detention	X	
	Transfer		X
	Pre-adjudication/Motion – Non-witness	X	
	Pre-adjudication/Motion – Witness		X
	Change of Plea		X
	Adjudication		X
	Disposition		X
	Restitution		X
	Probation Violation – Non-witness	X	
	Probation Violation – Witness		X
<i>Adoption/Emancipation</i>	Hearing – Non-witness	X	
	Hearing – Witness		X
<i>Other</i>	Hearing – Non-witness	X	
	Hearing – Witness		X

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Probate Procedure (Including the Arizona Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders) and Name Change Proceedings</i>			
<i>All Case Types (Unless Listed Otherwise)</i>			
	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
<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

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	
<i>Proceedings Under the Arizona Rules of Procedure for Eviction Actions</i>			
	Initial Appearance	X ²	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Writ of Restitution	X	
	Post-Judgment	X	
<i>Proceedings Under the Arizona Rules of Small Claims Procedure</i>			
	Hearing	X	
	Alternative Dispute Resolution	X	
<i>Proceedings Under the Arizona Justice Court Rules of Civil Procedure</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Mediation Conference	X	
	Settlement Conference	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Other	X	

² By statute:

Notwithstanding any other law, in a special detainer or forcible detainer proceeding before the court, any party, including an attorney or witness upon written notice to the court, shall be permitted to participate at the initial appearance remotely by using a telephone or video conference connection. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys and witnesses to participate in person.

Ariz. Rev. Stat. § 22-206.

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arraignment/Initial	X	
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing	X	
	Pre-trial Conference	X	
	Order to Show Cause		X
	Case Management Conference/Trial Preparedness Conference	X	
	Settlement Conference	X	
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arraignment	X	
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
<i>CTBMPSV</i>			
	Arraignment	X	
	Trial/Contested Hearing		X
	Photo Enforcement Hearing	X	
	Other (including ID Hearings, Local Ordinance, Parking)	X	
<i>Juvenile Hearing Officer Proceedings</i>		X	