

IN THE SUPERIOR COURT
IN THE COUNTY OF YUMA, IN AND FOR THE STATE OF ARIZONA

FILED

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LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85364

In the Matter of:)

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

Administrative Order
No. 2022 - 19

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 August 3, 2022, the Supreme Court issued Administrative Order No. 2022-88 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requiring 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. 2022-88 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.

Therefore, pursuant to Supreme Court Administrative Order No. 2022-88, and having been notified that the Chief Justice approves issuance of this order,

IT IS ORDERED adopting the Chart attached hereto as the presumptive manner for holding hearings set on or after December 1, 2022 in the superior court in Yuma County.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court as follows:

- 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 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 practical or otherwise not in the interest of justice, provided that the Court provide timely notice to the parties.

IT IS FURTHER ORDERED that hearings in the superior court in Yuma 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.

IT IS FINALLY ORDERED that, notwithstanding the presumptive manner for holding hearings and the adaptations to the presumptive manner outlined in this 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.

Dated this 1st day of December, 2022.



David M. Haws
Presiding Judge, Superior Court of Yuma County

Original filed with:

Hon. Lynn Fazz, Clerk of the Superior Court

Copies to:

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Hon. Roger A. Nelson, Div. 5
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Hon. Gregory Stewart, Justice Court Precinct 1
Hon. Juan Guerrero, Justice Court Precinct 2
Hon. Russ Jones, Justice Court Precinct 3/Wellton Municipal Court
Hon. James Coil, Yuma Municipal Court
Hon. Manuel Figueroa, Somerton Municipal Court
Hon. Nohemy Echavarria, San Luis Municipal Court
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Hon. Jon R. Smith, Yuma County Attorney
Sheriff Leon N. Wilmot, Yuma County Sheriff's Office
Capt. Kelly Milner, Yuma County Sheriff's Office
Raymond Hanna, Yuma County Public Defender
William Fox, Yuma County Legal Defender
Yuma County Bar Association

Appendix 1 – Yuma Superior Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Type

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	

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 Criminal Procedure</i>			
	Initial Appearance	X	
	Arraignment	X	
	Grand Jury Proceedings ¹		X
	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.

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 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

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 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

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 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

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 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	

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.