

In the Supreme Court of the State of Idaho

IN RE: IDAHO SUPREME COURT)
RESPONSE TO COVID-19 EMERGENCY)
_____)

AMENDED ORDER

On March 13, 2020, Governor Brad Little entered a Proclamation and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the State of Idaho. The Idaho Supreme Court, in light of this measure and to protect the health and safety of court employees, elected officials, and the general public, and under Article V, Section 2 of the Constitution and the inherent powers of the Supreme Court, hereby provides the following guidance to judges and ORDERS the following measures to be implemented from Wednesday, March 25, until further order of this Court:

1. With the exception of emergency matters, child protection hearings, domestic violence hearings, and evidentiary hearings in criminal cases, all in-person appearances for civil and criminal dockets shall be excused. Judges are encouraged to use telephonic or video technology for all necessary hearings, including arraignments and mental health hearings.
2. All civil trials, hearings, and motions should be postponed and rescheduled for a later date unless the assigned judge finds the proceedings can be held and adequately recorded through telephonic or video means and placed into the official court record. Any civil trial or hearing currently in progress shall be continued or completed at the discretion of the presiding judge.
3. No jury panels shall be called during the pendency of this Amended Order. All criminal jury trials currently scheduled to be held on March 25, 2020 through April 30, 2020 shall be continued no less than thirty days from the date of the trial's original starting date. This order prohibiting the calling of juries shall be deemed good cause to deny a motion to dismiss a criminal case based upon the time requirements set forth in section 19-3501, Idaho Code. *See* Idaho Criminal Rule 28.

4. With the exception of emergency matters, adoption proceedings, and hearings statutorily or by Court Rule required to be held, small claims, eviction, juvenile, probate, contested infraction, and guardianship cases shall be continued. Uncontested infraction cases may proceed including those in which the charging authority has entered or enters an amended charge.
5. In civil cases, courtroom attendance should be limited to required court personnel, attorneys, parties, necessary witnesses. In criminal hearings, not including trials, courtroom attendance should be limited to required court personnel, attorneys, parties, victims, and necessary witnesses. Access by the media and the public to individual proceedings may be requested, but will be permitted at the discretion of the presiding judge.
6. A case involving an attorney, party, victim, necessary witness, or required court personnel who is ill, or in a high-risk category as identified in paragraph 14 of this Amended Order, shall be rescheduled. In custody defendants who are symptomatic of the virus shall not be transported to the courthouse.
7. Unless public safety compels otherwise, Judges shall issue summonses in lieu of bench warrants or notices of failure to appear.
8. All show cause dockets for payment of fines and court costs scheduled within this timeframe shall be continued for 60 days.
9. The 21-day preliminary hearing requirement for out-of-custody defendants under ICR 5.1 is waived during the effective dates of this Order.
10. New juror orientations shall be suspended.
11. Existing grand jury panels, at the discretion of the court that summoned the grand jury, may be extended for 60 days from the date of this order.
12. By Court rule, attorneys are already required to use e-Filing.