

In the Supreme Court of the State of Idaho

RE: EMERGENCY ORDER)
REGARDING COURT) ORDER
SERVICES) October 6, 2021
_____)

On September 22, 2021, this court issued an emergency order to address the substantial health and safety risks faced by the public accessing the courts, court personnel, and participants in court proceedings caused by the community spread of COVID-19. After further consideration, section two of that order is hereby amended as follows:

2. **Court Proceedings Other Than Jury Trials and Grand Jury Proceedings:** Other than for on-going jury trials and grand jury proceedings, court rules which prohibit hearing any case or part thereof remotely are suspended during the effective term of this order. All court proceedings shall be held remotely, i.e., with all participants utilizing remote technologies including teleconferencing and video conferencing, subject to the following conditions and requirements:
 - a. All trials on a petition to terminate parental rights shall be held in person.
 - b. All felony sentencing hearings in which the crime for which the defendant is being sentenced carries a maximum sentence of life and in which the assigned judge has not previously agreed to impose a sentence of less than life, shall be held in person with the defendant and counsel present in the courtroom.
 - c. All felony sentencing hearings in which the crime for which the defendant is being sentenced carries a maximum sentence of less than life imprisonment or in which the assigned judge has previously agreed to impose a sentence of less than life, may be held remotely only if:
 - i. both parties stipulate and the judge agrees to hold the sentencing remotely, and
 - ii. the defendant provides, on the record, a knowing, intelligent, and voluntary waiver of all the rights granted by Idaho Code section 19-2503.
 - d. At the discretion of the assigned judge, court appearances in treatment court proceedings may be held in person.
 - e. At the discretion of the assigned judge, hearings held pursuant to Idaho Code sections 39-6308(4) or 18-7908(2) regarding petitions for an ex parte temporary protection order may be held in person.
 - f. Any party intending to offer documentary evidence during a hearing held remotely must provide the court and all parties a list of such exhibits and copies thereof at least seventy-two hours before such hearing unless the assigned judge modifies the time for good cause shown.