

I.C.A.R. 48. Emergency Closure of Court Operations - Record of Closure - Disaster Emergency Plan

Idaho Court Administrative Rule 48. Emergency Closure of Court Operations - Record of Closure - Disaster Emergency Plan.

(a) In the event of an emergency or threatened emergency, the Administrative Director of the Courts or his or her designee, or where practicable, after consultation with the Administrative Director of the Courts or his or her designee, the administrative judge, or his or her designee if the administrative judge is unavailable, may order the closure of a district court and related offices, including the district court clerk's office, until the safe operations of the court and its offices can be restored. Whenever a threat poses an immediate risk of harm to court personnel or members of the public, court operations shall be suspended and court facilities and personnel shall immediately be evacuated pending further directive of the administrative judge or designee. If the closure order is issued by the administrative judge or his or her designee, the person issuing the order shall promptly notify the Supreme Court of the emergency closure. When the conditions creating the emergency have passed, the administrative judge or designee, in cooperation with the Administrative Office of the Courts, shall provide for the immediate resumption of court business by the most expeditious and practical means possible, which may include alternate operational hours or moving court operations to alternate facilities, if necessary.

(b) "Emergency or threatened emergency" includes, but is not limited to, any occurrence or threatened occurrence, whether natural, man-made, or technological, that causes or threatens to cause:

(1) the destruction of court facilities, including the offices of the district court clerk, or substantial damage to such facilities;

(2) an interruption in the performance of court operations; or

(3) harm to the safety or health of court personnel, including personnel of the district court clerk's office, or other persons using court facilities.

A technological occurrence constituting an emergency includes any failure or disruption of the court management system or other court technology that causes or threatens to cause an interruption in the performance of court operations.

(c) The district court clerk shall maintain a record of the date and time of any emergency closure of the clerk's office and the date and time of its reopening. This record and a copy of the order closing court offices and operations shall be forwarded to the Supreme Court.

(d) In the event the last day for filing any document, holding any hearing, or doing any other thing or matter in any court falls on a day when the court and district court clerk's office are closed under the provisions of this rule for any period of time, the time for filing, hearing or doing any other thing or matter shall be extended until the end of the next business day on which the court and district court clerk's office are open.

(e) The administrative judge shall designate a person in each county to prepare and maintain a current written disaster emergency plan relating to district court operations which shall include a coordinated response with the board of county commissioners and other local officials for the prompt restoration of judicial services after an emergency closure of court operations. The written disaster emergency plan relating to district court operations shall be approved by the administrative judge prior to its final adoption.

(Adopted June 17, 2002, effective July 1, 2002; amended November 14, 2016, effective December 1, 2016.)

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