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Idaho Supreme Court Issues New COVID-19 Emergency Order on Court Hearings, Access

The Idaho Supreme Court today issued updated guidelines for COVID-19 precautions in Idaho's courts, including revised procedures for court hearings and for access to courthouses across the state.

The Court's newest emergency order addresses a wide range of court operations amid the coronavirus pandemic, from safety protocols to trial procedures. It replaces six other emergency orders the Court has issued since last fall.

With the public's assistance, these and previous orders ensured Idaho's courts remained open throughout the past 14 months to anyone who wished to bring or defend a claim — and protected the health and safety of court participants and staff. Today's order reflects recent changes to medical guidance regarding COVID-19 and a move toward more traditional court operations while maintaining appropriate precautions and protections.

Included in today's order:

- Hearings are no longer presumed to be held remotely through videoconferencing or other means. Rather, judges will decide case by case whether proceedings in their courtrooms will be held in person, unless their district's administrative district judge directs otherwise.
- Social distancing is still required in Idaho courthouses. All people participating in a court proceeding or doing other court business must remain at least six feet away from anyone who is not a member of their household.
- People accessing an Idaho courthouse are not required to wear a mask, but the Court strongly encourages them to do so. Upon request, the judge overseeing any specific hearing may require all participants to wear a mask to protect an unvaccinated or immunocompromised participant.

- Jury trials and grand jury proceedings may still be postponed if local COVID-19 incidence rates cross a certain threshold — or if an administrative district judge determines other circumstances exist that pose a substantial increase in the health or safety risks to jury trial participants.
- Prospective jurors will still be asked to fill out a COVID-19 questionnaire. Jurors meeting certain conditions may be eligible to postpone their jury service for six months.

Today's order is effective immediately, except for one provision requiring all felony sentencing hearings to be held in person starting June 1.

The order (and all previous COVID-19 judicial emergency orders) can be viewed by visiting isc.idaho.gov and selecting "State Judicial Emergency Orders Regarding COVID-19" on the home page.

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