

# In the Supreme Court of the State of Idaho

IN RE: EMERGENCY REDUCTION )  
IN COURT SERVICES AND )  
LIMITATION OF ACCESS TO )  
COURT FACILITIES )

## ORDER

On March 25, 2020, for public safety and to mitigate the spread of the COVID-19 virus, Idaho Health and Welfare Director Dave Jeppesen, at the direction of Governor Bradley J. Little, issued an Order to Self-Isolate for the State of Idaho. Effective immediately, and pursuant to Idaho Court Administrative Rule 48, all State of Idaho court facilities shall conduct reduced operations through April 15, 2020. Minimum operating personnel for each court facility shall include one front desk deputy clerk and one courthouse security officer limiting access to court facilities. If a hearing is scheduled, an additional deputy clerk and one magistrate or district judge is required. If an in-court hearing must be held in person, at least one additional court security officer in the courtroom is required.

1. During this time of reduced operations, only emergency hearings will be conducted, including in-custody arraignments, in-custody preliminary hearings, civil protection order hearings, emergency guardianship proceedings, child protection proceedings, termination of parental rights hearings, adoptions, juvenile detention hearings, civil mental commitment proceedings, civil proceedings addressed in Idaho Rule of Civil Procedure 65, proceedings under Idaho Rules of Family Law Procedure 507 and 508, and eviction actions where the basis for eviction is that the unlawful delivery, production or use of a controlled substance is taking place on the premises. To the extent possible such matters shall be conducted telephonically or through video teleconferencing, using applications which are compatible with recording or transcribing the proceeding for placement in the official court record.
2. Treatment Court and Domestic Violence Court proceedings may continue at the discretion of the presiding judge to the extent such matters can be conducted telephonically or through video teleconferencing, using applications which are

compatible with recording or transcribing the proceeding for placement in the official court record.

3. In civil cases, courtroom attendance should be limited to required court personnel, attorneys, parties, and necessary witnesses. In criminal hearings, courtroom attendance should be limited to required court personnel, attorneys, parties, victims, and necessary witnesses. Access by the public to individual proceedings may be requested, but will be permitted at the discretion of the presiding judge.
4. No jury panels shall be called during the pendency of this order. All criminal jury trials currently scheduled to be held on March 26, 2020 through April 30, 2020 shall be continued for a period of not 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.
5. Existing grand jury panels, at the discretion of the court that summoned the grand jury, may be extended until May 22, 2020.
6. The 21-day preliminary hearing requirement for out-of-custody defendants under ICR 5.1 is waived during the effective dates of this Order.
7. Processing of non-emergency matters. During the pendency of this order, all courts will continue to accept new pleadings and filings in all cases.
  - a. Deadline extension and rescheduling of hearings. In the event a deadline has been set by court order or rule and the last day for filing any document, holding any hearing, or doing any other thing or matter in any court falls on or between March 26, 2020 and April 15, 2020 when courts are reducing operations, the time for filing or doing any other thing in any court shall be extended until April 16, 2020. This includes the filing of responsive pleadings, notices of appeal, and petitions for post-conviction relief. In the event a hearing has been scheduled to occur during the effective date of this order, the date for the hearing shall be reset by the presiding judge to occur after April 16, 2020.
  - b. Processing of motions without a hearing. After giving notice to the parties in accordance with Idaho Rule of Civil Procedure 7(b)(3)(F), a presiding judge may,