



MARICOPA COUNTY SUPERIOR COURT: MENTAL HEALTH

Modified Mental Health Department Operations during COVID-19 Pandemic

On March 18, 2020, Arizona Chief Justice Robert Brutinel issued Administrative Order No. 2020-48 (the "AO"). Among other things, the AO requires that, to help reduce the risk associated with the COVID-19 public health emergency, all in-person court proceedings be avoided to the greatest extent possible consistent with core constitutional rights. Consistent with the AO, the Probate & Mental Health Department of the Superior Court of Arizona for Maricopa County (the "Department") is taking the following actions with respect to all hearings held pursuant to Chapter 5, Title 36, Arizona Revised Statutes, effective March 26, 2020:

- 1 **All witnesses, other than the patient**, must appear and testify telephonically unless the assigned Judicial Officer orders otherwise. The assigned Judicial Officer's division will provide instructions as to how to participate telephonically.
- 2 **All counsel** may participate in the hearing telephonically. Counsel wishing to participate telephonically should contact the assigned Division, which will provide instructions.
- 3 **No motions for telephonic appearance or testimony are required.**
 - a. **For their safety and the safety of others**, patients are strongly encouraged to participate in the hearing telephonically. If a telephonic appearance is not feasible or the patient wishes to appear in person, the court may continue the hearing as the current public health emergency constitutes "good cause" for avoiding in-person hearings at the present time. Initial court-ordered treatment and court-ordered evaluation hearings will be continued for the shortest time possible that will allow for the patient to appear in person. Renewal hearings may be continued for approximately 30 days.
 - b. **If a party believes in-person testimony of a witness is necessary**, that party should make a motion to allow the in-person testimony. Such motion shall be addressed to the Judicial Officer assigned to the case and may be made either in writing or in open court. If the motion is made at the time originally set for the hearing and the motion is granted, the hearing may be continued if necessary to secure the witness' in-person attendance. Any such continuance will be for as short a time as feasible.
- 4 **The Court is in the process of making videoconferencing** through GoToMeeting available to counsel, the parties, and witnesses. When such technology becomes available, the Court will notify the stakeholders and provide them with instructions for using GoToMeeting.
- 5 **Pursuant to Superior Court of Arizona Administrative Order No. 2020-039**, no person shall appear in person at a hearing except as authorized by the Judicial Officer assigned to the case. This does not apply to any hospital personnel who are accompanying the Patient for security or medical (including behavioral health) reasons
- 6 **Requests for continuances and extensions of deadlines**, as well as requests for special accommodations for persons who are at a high risk of illness from COVID-19 will be liberally granted.