



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](#) (“AO 2020-48”). Among other things, AO 2020-48 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. On March 19, 2020, Presiding Judge Joseph C. Welty issued [Administrative Order No. 2020-043](#) (“AO 2020-043”) for the Superior Court of Arizona for Maricopa County (the “Maricopa County Superior Court”). Among other things, AO 2020-043 limits physical access to all court buildings of the Maricopa Superior Court. On March 30, 2020, Governor Douglas A. Ducey issued [Executive Order 2020-18](#), which orders that, effective at 5:00 p.m. on March 31, 2020, and through April 30, 2020, all individuals in the State of Arizona limit their time away from their place of residence or property, subject to certain limited exceptions.

Consistent with the foregoing, 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** **Judicial officers and staff (including courtroom clerk)** will conduct all hearings from the 5th floor of the East Court Building, 101 West Jefferson, Phoenix, Arizona 85003.
- 2** **A series of rotating judicial officers and staff** will cover the hearings. In general, no judicial officer will preside over mental health calendars more than two days per week.
- 3** **The patient, as well as all lawyers and witnesses,** must appear and testify electronically. Probate Court Administration or the assigned Judicial Officer’s division will provide instructions as to how to participate electronically.
- 4** **No motions for electronic appearance or testimony are required.**
- 5** **If an electronic 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.
- 6** **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 until such time as in-person appearances do not create a health hazard. Any such continuance will be for as short a time as feasible.

7 The Court is in the process of making **videoconferencing** 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 videoconferencing.

8 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.

9 **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.

We thank the stakeholders for their continued cooperation during this challenging time.

