

IN THE SUPERIOR COURT
IN THE COUNTY OF MOHAVE, IN AND FOR THE STATE OF ARIZONA

FILED
TIME _____ M

NOV 8 2022

CHRISTINA SPURLOCK
CLERK SUPERIOR COURT
DEPUTY

In the Matter of:)
)
ADOPTION AND IMPLEMENTATION)
OF PRESUMPTIVE STANDARDS FOR)
REMOTE AND IN-PERSON HEARINGS)
FOR THE SUPERIOR COURT IN)
MOHAVE COUNTY)
_____)

Administrative Order)
No. 2022 - 42)
(Replacing Admin Order 2022-28)

In June 2021, the Arizona Supreme Court's COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings.

On August 3, 2022, the Supreme Court issued Administrative Order No. 2022-88 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requiring the presiding judge of the superior court in each county to issue an administrative order adopting standards for the superior court in their county regarding which hearing types will be held remotely and which hearing types will be held in person. To that end Administrative Order No. 2022-28 was issued on September 6, 2022. This order updates and continues the effect of that order.

Therefore, pursuant to Supreme Court Administrative Order No. 2022-88, and having been notified that the Chief Justice approves issuance of this order,

IT IS ORDERED adopting the chart attached hereto as the presumptive manner for holding hearings set on or after October 1, 2022 in the Superior Court in Mohave County.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court for the following hearing types and reasons:

- Due to logistical and resource allocation issues the presumption for Pre-trial/Motion-Witness and Evidentiary Hearings with regards to Mental Health matters will be handled remotely but said hearings can still be conducted in person if so requested.
- Due to the need to; verify the person named in the charging document is the person appearing in court, the need to complete financial paperwork and due to ongoing logistical and resource needs, the presumption for Initial Appearances in criminal matters and the presumption for Probation Violation – Initial Appearances will be handled in-person for the defendant. However, attorneys may still appear remotely and said hearings can still be conducted remotely if so requested.

IT IS FURTHER ORDERED that hearings in the Superior Court in Mohave County must be held in the presumptive manner, but a judge assigned to a case may make a hearing-specific

deviation from the presumptive manner in which a hearing must be held if holding the hearing in the presumptive manner is not practical or otherwise not in the interest of justice. The court must provide notice to the parties when such an alternative is utilized.

Dated this 9th day of November, 2022.



Honorable Steven C. Moss
Presiding Judge, Superior Court of Mohave County

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Type

| Case Type | Hearing Type | Remote | In-Person |
|---|--|--------|-----------|
| <i>Proceedings Under the Arizona Rules of Civil Procedure (Including Proceedings Under the Rules of Procedure for Judicial Review of Administrative Decisions; Superior Court Rules of Appellate Procedure - Civil and Criminal and Tax Court Rules of Practice)</i> | | | |
| <i>General</i> | | | |
| | Temporary Restraining Order | X | |
| | Preliminary Injunction – Non-witness | X | |
| | Preliminary Injunction – Witness | | X |
| | Scheduling Conference | X | |
| | Settlement Conference | | X |
| | Compulsory Arbitration – Non-witness | X | |
| | Compulsory Arbitration – Witness | | X |
| | Good Faith Settlement Hearing | | X |
| | Pre-trial/Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Jury Selection | | X |
| | Jury Trial | | X |
| | Bench Trial | | X |
| | Default | X | |
| | Contempt – Non-witness | X | |
| | Contempt – Witness | | X |
| | Post-Judgment Proceedings – Non-witness | X | |
| | Post-Judgment Proceedings – Witness | | X |
| | Excess Proceeds | X | |
| | Amended Marriage Licenses and Birth Certificates | X | |
| | Forfeitures | X | |
| <i>Civil Court Appellate – Civil and Criminal</i> | | | |
| | Motion | X | |
| | Oral Argument | X | |

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person |
|--|--|--------|-----------|
| <i>Proceedings Under the Arizona Rules of Criminal Procedure</i> | | | |
| | Initial Appearance | X | |
| | Arraignment | X | |
| | Grand Jury Proceedings ¹ | | |
| | Preliminary Hearing – Non-witness | X | |
| | Preliminary Hearing – Witness | | X |
| | Bail Eligibility Hearing | X | |
| | Early Disposition Court | X | |
| | Rule 11 (Competency) – Non-witness | X | |
| | Rule 11 (Competency) – Witness | | X |
| | Fugitive from Justice | | X |
| | DUI Court | | X |
| | Therapeutic Court | | X |
| | Pre-trial/Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Change of Plea | | X |
| | Submitting Case on Record | X | |
| | Jury Selection | | X |
| | Jury Trial | | X |
| | Bench Trial | | X |
| | Sentencing | | X |
| | Restitution | | X |
| | Setting Aside a Conviction | X | |
| | Restoring Civil Rights | X | |
| | Expungement | X | |
| | Post-Conviction – Non-witness | X | |
| | Post-Conviction – Witness | | X |
| | Probation Violation – Initial Appearance | X | |
| | Probation Violation – Non-witness | X | |
| | Probation Violation – Witness | | X |
| | Probation Violation Disposition | | X |
| | Bond Forfeiture/Exoneration | X | |

¹ During the pandemic, some the Superior Court in some Counties conducted in-person grand jury proceedings, while others conducted remote grand jury proceedings. These Recommendations defer to the Superior Court in each county to consider practicalities and the interests of justice to determine how grand jury proceedings should be conducted.

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person |
|--|--|--------|-----------|
| <i>Proceedings Under the Arizona Rules of Family Law Procedure</i> | | | |
| | Pre-trial/Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Default | X | |
| | Resolution Management Conference | X | |
| | Temporary Orders – Non-witness | X | |
| | Temporary Orders – Witness | | X |
| | Alternative Dispute Resolution – Non-witness | X | |
| | Alternative Dispute Resolution – Witness | | X |
| | Conciliation Services | | X |
| | Early Resolution Conference | X | |
| | Scheduling Conference | X | |
| | Trial | | X |
| | Post-Decree/Post-Judgment – Non-witness | X | |
| | Post-Decree/Post-Judgment – Witness | | X |
| | Contempt/Civil and Child Support Arrest Warrant – Non-witness | X | |
| | Contempt/Civil and Child Support Arrest Warrant – Witness | | X |
| | IV-D Hearing – Non-witness | X | |
| | IV-D Hearing – Witness | | X |
| | Specialty Court | | X |
| | Decree on Demand | X | |
| | Accountability and Enforcement | | X |

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person | |
|---|---|-----------------------|-----------|---|
| <i>Proceedings Under the Arizona Rules of Juvenile Court Procedure</i> | | | | |
| <i>Dependency, Termination, Guardianship and Successor Guardianship</i> | | | | |
| | Preliminary Protective/Initial Dependency | | X | |
| | Pre-adjudication/Motion – Non-witness | X | | |
| | Pre-adjudication/Motion – Witness | | X | |
| | Dependency Alternative Program Hearing | | X | |
| | Settlement Conference | | X | |
| | Dependency Adjudication | | X | |
| | Disposition | | X | |
| | Review of Temporary Custody/Return of Child | | X | |
| | Contested Change of Physical Custody | | X | |
| | Review/Permanency | X | | |
| | Initial Termination | X | | |
| | Termination Adjudication | | X | |
| | Initial Guardianship | X | | |
| | Guardianship Adjudication | | X | |
| Guardianship Review | X | | | |
| <i>Delinquency/Incorrigibility</i> | | | | |
| | Advisory | X | | |
| | Detention | X | | |
| | Transfer | | X | |
| | Pre-adjudication/Motion – Non-witness | X | | |
| | Pre-adjudication/Motion – Witness | | X | |
| | Change of Plea | | X | |
| | Adjudication | | X | |
| | Disposition | | X | |
| | Restitution | | X | |
| | Probation Violation – Non-witness | X | | |
| | Probation Violation – Witness | | X | |
| | <i>Adoption/Emancipation</i> | Hearing – Non-witness | X | |
| | | Hearing – Witness | | X |
| | <i>Other</i> | Hearing – Non-witness | X | |
| Hearing – Witness | | | X | |

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person |
|---|--|--------|-----------|
| <i>Proceedings Under the Arizona Rules of Probate Procedure (Including the Arizona Rules of Procedure for Enforcement of Tribal Court Involuntary Commitment Orders) and Name Change Proceedings</i> | | | |
| <i>All Case Types (Unless Listed Otherwise)</i> | | | |
| | Initial Hearing | X | |
| | Pretrial/Motion/Conference – Non-witness | X | |
| | Pretrial/Motion/Conference – Witness | | X |
| | Alternative Dispute Resolution – Non-witness | X | |
| | Alternative Dispute Resolution – Witness | | X |
| | Settlement Conference | | X |
| | Evidentiary Hearing | | X |
| | Order to Show Cause/Compliance Hearing | | X |
| | Jury Selection | | X |
| | Jury Trial | | X |
| | Bench Trial | | X |
| <i>Guardianship/ Conservatorship/ Decedent Estates</i> | | | |
| | Final Accounting – Uncontested | X | |
| | Final Accounting – Contested | | X |
| | Settlement of Claims for Minors and Adults in Need of Protection/Distributions to Persons Under Disability – Non-witness | X | |
| | Settlement of Claims for Minors and Adults in Need of Protection/Distributions to Persons Under Disability – Witness | | X |
| <i>Mental Health/Civil Commitment</i> | | | |
| | Pre-trial/Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Evidentiary Hearing (including on recommitment) | | X |
| <i>Name Change</i> | Non-witness | X | |
| | Witness | | X |
| <i>Adult Adoption</i> | Non-witness | X | |
| | Witness | | X |

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Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person |
|---|--|----------------|-----------|
| <i>Proceedings Under Arizona Rules of Protective Order Procedure</i> | | | |
| | Ex Parte Hearing | X | |
| | Contested Protective Order [Evidentiary] Hearing | | X |
| | Other | X | |
| <i>Proceedings Under the Arizona Rules of Procedure for Eviction Actions</i> | | | |
| | Initial Appearance | X ² | |
| | Jury Selection | | X |
| | Jury Trial | | X |
| | Bench Trial | X | |
| | Writ of Restitution | X | |
| | Post-Judgment | X | |
| <i>Proceedings Under the Arizona Rules of Small Claims Procedure</i> | | | |
| | Hearing | X | |
| | Alternative Dispute Resolution | X | |
| <i>Proceedings Under the Arizona Justice Court Rules of Civil Procedure</i> | | | |
| | Pre-trial/Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Mediation Conference | X | |
| | Settlement Conference | X | |
| | Jury Selection | | X |
| | Jury Trial | | X |
| | Bench Trial | X | |
| | Other | X | |

² By statute:

Notwithstanding any other law, in a special detainer or forcible detainer proceeding before the court, any party, including an attorney or witness upon written notice to the court, shall be permitted to participate at the initial appearance remotely by using a telephone or video conference connection. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys and witnesses to participate in person.

Ariz. Rev. Stat. § 22-206.

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

| Case Type | Hearing Type | Remote | In-Person |
|--|--|--------|-----------|
| <i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i> | | | |
| <i>Criminal Misdemeanor</i> | | | |
| | Appearance/Arrestment/Initial | X | |
| | Pre-trial Motion – Non-witness | X | |
| | Pre-trial/Motion – Witness | | X |
| | Change of Plea/Sentencing | X | |
| | Pre-trial Conference | X | |
| | Order to Show Cause | | X |
| | Case Management Conference/Trial Preparedness Conference | X | |
| | Settlement Conference | X | |
| | Jury Trial | | X |
| | Bench Trial | | X |
| | Probation Violation Arrestment | X | |
| | Probation Violation Hearing | | X |
| | Probation Violation Disposition | | X |
| | Other – Non-witness | X | |
| | Other – Witness | | X |
| | Bond Forfeiture | X | |
| <i>CTBMPSV</i> | | | |
| | Arrestment | X | |
| | Trial/Contested Hearing | | X |
| | Photo Enforcement Hearing | X | |
| | Other (including ID Hearings, Local Ordinance, Parking) | X | |
| <i>Juvenile Hearing Officer Proceedings</i> | | X | |