

# In the Supreme Court of the State of Idaho

**IN RE: IDAHO SUPREME COURT  
RESPONSE TO COVID-19 EMERGENCY** )  
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## **ORDER**

On March 13, 2020, Governor Brad Little entered a Proclamation and declared a State of Emergency in response to the novel coronavirus (COVID-19) emergency in the State of Idaho. In light of this measure and to protect the health and safety of court employees, elected officials, and the general public, and under Article V, Section 2 of the Constitution and the inherent powers of the Supreme Court, hereby provides the following guidance to judges and ORDERS the following measures to be implemented from Monday, March 16, to Friday, April 10, 2020:

1. With the exception of emergency matters, child protection hearings, domestic violence hearings, and evidentiary hearings in criminal cases, all in-person appearances for civil and criminal dockets shall be excused. Judges are encouraged to use telephonic or video technology for all necessary hearings, including arraignments and mental health hearings.
2. All civil trials, hearings, and motions should be postponed and rescheduled for a later date unless the assigned judge finds the proceedings can be held and adequately recorded through telephonic or video means. Any civil trial or hearing currently in progress shall be continued or completed at the discretion of the presiding judge.
3. Reasonable attempts should be made to reschedule all criminal trials, subject to a defendant's right to a speedy trial.
4. With the exception of emergency matters and hearings statutorily or by Court Rule required to be held, small claims, eviction, juvenile, probate, traffic, and guardianship cases shall be continued.
5. In civil cases, courtroom attendance should be limited to attorneys, parties, necessary witnesses, and jurors. In criminal hearings, not including trials, court room attendance

should be limited to attorneys, parties, victims, and necessary witnesses. Access by the media to proceedings shall be at the discretion of the presiding judge.

6. A case involving an attorney or party who is ill or in a high-risk category shall be rescheduled. In custody defendants who are symptomatic of the virus shall not be transported to the courthouse.
7. Unless public safety compels otherwise, Judges shall issue summonses in lieu of bench warrants or notices of failure to appear.
8. All show cause dockets for payment of fines and court costs scheduled within this timeframe shall be continued for 60 days.
9. The 21-day preliminary hearing requirement for out-of-custody defendants under ICR 5.1 is waived during the effective dates of this Order.
10. Jurors who are ill, caring for someone who is ill, or in a high-risk category shall have their jury service postponed to a later date.
11. New juror orientations should be suspended.
12. Existing jury panels may be extended at the discretion of the Administrative District Judge of the district.
13. By Court rule, attorneys are already required to use e-Filing.
14. Local Elected Clerks are urged to consider establishing using drop boxes for conventionally filed documents if available.
15. Signage shall be posted at all public entry points advising individuals not to enter courtrooms or court services offices if they have:
  - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;

- b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
  - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
  - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
  - e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
  - f. A fever, cough or shortness of breath.
16. Individuals attempting to enter in violation of these protocols shall be denied entrance by the sheriff as designated for courthouse security by the Administrative District Judge, a bailiff, or court security officer.
17. Bailiffs shall discourage congregating outside courtroom doors and encourage social distancing inside the courtroom.
18. Individuals with legitimate court business who are ill, caring for someone who is ill or in a high-risk category are advised to stay home and request a continuance by calling the local Court Clerk. Elected Court Clerks are urged to appoint one (or more as necessary) point persons to process these requests and notify the presiding judge and involved attorneys.
19. Local Courts are encouraged to provide sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables

Nothing in this Order shall preclude the Administrative District Judges from implementing additional local restrictions not in conflict with this order and as needed. This Order shall be effective from March 16, 2020, to April 10, 2020, or until further Order of this Court.

DATED this 13<sup>th</sup> day of March, 2020.

By Order of the Supreme Court

Roger S. Burdick  
Roger S. Burdick, Chief Justice

ATTEST:

Karen A. Lehman  
Clerk