



Fountain Hills Municipal Court
 16705 East Avenue of the Fountains, Fountain Hills, AZ 85268
 480-816-5103

IN THE MATTER OF:)
)
 ADOPTION AND IMPLEMENTATION)
 OF PRESUMPTIVE STANDARDS FOR)
 REMOTE AND IN-PERSON HEARINGS)
 FOR THE FOUNTAIN HILLS)
 MUNICIPAL COURT)
 _____)

Administrative Order
 No. 2022 - 06

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. In January 2022, the workgroup issued a report, *Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World*, (“Report”) which includes as Appendix 1 recommendations regarding which hearing types should be held remotely and which should be held in person (“Presumptive Standards”).

On April 27, 2022, the Supreme Court issued Administrative Order No. 2022-46 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requires the presiding judge of each municipal court to issue an administrative order adopting standards regarding which hearing types will be held remotely and which hearing types will be held in person. Administrative Order No. 2022-46 allows the presiding judge of the municipal court, after consultation and approval from the presiding judge of the superior court in the county, to adapt the Presumptive Standards as necessary due to limitations in local court resources, bandwidth, technology hardware, software, and staffing or, for good cause, to meet unique needs in their respective cities.

THEREFORE:

Upon consultation with and approval from the presiding judge of the superior court in Maricopa County, pursuant to Supreme Court Administrative Order No. 2022-46:

IT IS ORDERED adopting Appendix 1, attached hereto, as the presumptive manner for holding hearings set on or after October 1, 2022, in the Fountain Hills Municipal Court.

FURTHER ORDERED that hearing types listed below are deviation from the Plan B Workgroup recommendations adapted by the Supreme Court for those identified hearing types. Deviation is due to limited staff and court resources, technology hardware/software concerns for the self represented litigants, to allow limited number of appearances for the efficient and orderly resolution of cases, and accommodate expeditious completion of required documentation.

- Appearance/Arraignments/Initial
- Change of Plea/Sentencing
- Pre-trial Conference
- Probation Violation Arraignment
- Other – Non-witness
- Bond Forfeiture
- CTBMPSV – Arraignment
- CTBMPSV - Other

FURTHER ORDERED that settings for telephonic pleas and pleas by mail conducted pursuant to Rule 17.1(f), Ariz.R.Crim.P., shall be presumptively remote.

FURTHER ORDERED that hearings in the Fountain Hills Municipal Court shall be held in the presumptive manner, unless the judicial officer makes a hearing-specific deviation from the presumptive manner 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.

FURTHER ORDERED that any party may personally appear in any matter set as a remote/telephonic/virtual hearing.

FURTHER ORDERED that any party may request the court to have an in person setting be held remotely provided both the following occur:

- a) A timely motion to conduct the hearing telephonic/virtual is filed and granted by the court; AND,
- b) Any/all paperwork required for the hearing, if any, be completed and originals filed with the court at least three (3) court business days prior to the hearing.

Failure to comply with both a and b above will result in the parties being required to appear, in person, at the scheduled hearing. Matters will not be continued to allow additional time to comply with requirements a and b above.

Dated: September 21, 2022



Robert E. Melton
Presiding Judge – Fountain Hills Municipal Court

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types for Fountain Hills Municipal Court

Case Type	Hearing Type	Remote	In-Person
<i>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>			
Criminal Misdemeanor			
	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
	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
OOP	Order of Protection- Ex-Parte	X	
	Contested PO Hearings/Other Hearings		X
CTBMPSV			
	Arrestment		X
	Trial/Contested Hearing		X
	Other (including ID Hearings, Local Ordinance, Parking)		X
Juvenile Hearing Officer Proceedings		X	