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EXPLANATION OF FAMILY DEPARTMENT OPERATIONS

Revised: April 24, 2020

During this COVID-19 crisis, different levels of court operations have been created. The purpose of this memo is to explain the basics of those operations in the context of Family Court. Operations may differ to some extent for other court departments.

Current Operations- The “Break-Glass” or “Essential Services” Operations

There are various terms used for current operations. The term “Break Glass” was coined by Judge Welty so as to liken it to what one would do if there was an fire emergency at a building. That person would break the glass and pull the alarm. We had to do this over a span of about 36 hours when Governor Ducey issued his Executive Stay-At-Home. This system has also been referred to as “essential services” and the terms are interchangeable and have no independent meaning.

Under this system, the regional courts at SE, NE and NW are shut down as it relates to Superior Court operations. All Family Department processes have been centralized to the downtown court. Justice Courts continue to operate at NE and NW.

The only family court proceedings conducted at the downtown court are: (1) applications for Orders of Protection; (b) Contested hearings on Orders of Protection; (c) Emergency *Ex Parte* Motions; and (4) Hearings or conferences arising from the filing of an emergency motion. These have

been referred to as the family department's "essential services." (Injunctions Against Harassment continue to be processed but are overseen by the civil department.)

Essential services proceedings are presided over by judges and commissioners. Each day, two judges and one commissioner appear at the CCB. The entire family bench is under a rotating schedule for assignment days. Due to demand, a second commissioner appears on each Monday, primarily to address the Monday spikes in orders of protection.

For these proceedings, the LLRC located in the East Court Building is the staging area. Aside from those doing business with the Clerk of the Court, no other members of the public may enter the downtown court complex for family court-related proceedings.

Litigants and participants in essential services proceedings enter through court security at the Central Court Building and are directed to the LLRC. Staff are present to provide directions upon arrival at the LLRC. Most proceedings with a judicial officer are then conducted through video conferencing between the participants, who are in the LLRC, and the judicial officers, who are on the 5th Floor of the Central Court Building.

All specialty court calendars (single issue cases) and IV-D hearings that are routinely set before a commissioner are suspended. Parenting Conferences, Mediation, Open Negotiations, Child Interviews and other services or processes through Conciliation Services are also suspended.

During these operations, presence of court staff at the courthouse is restricted. Only those who are part of essential services are allowed to be physically present and most court staff attend on a rotating basis.

Judicial Staff are under similar restrictions. There is a "one staff/one day/per division/per week" plan that applies to judicial staff. This means that each division can designate either the JA or Bailiff (now known as "Courtroom Assistant") for that division to be physically present at the courthouse in which that division is normally located on only one day each week so as to assist the judge in conducting certain telephonic or video conferenced proceedings.

Under this plan, each of the 26 judge divisions in the family department may conduct telephonic or video conferencing on cases assigned to that division. Since technologies have become implemented, some judicial officers have been able to operate remotely on additional days each week. The scope and extent of those proceedings are determined by each individual judge.

This system of operations shall remain in effect through May 1, 2020.

Modified Operations- “Skinny Operations”

Commencing May 4, 2020, there will be a transition in court procedures. Much the same as “Break Glass,” the term “Skinny Operations” was coined by Judge Welty. It came about because we were thinning down court operations without suspending them. This may also be referred to as “Modified Operations.” This plan was in effect for about one week in late March until Governor Ducey issued his Executive Stay-At-Home Order. This will likely be the next transitional plan to be implemented as we move back to more complete services.

Under this plan, all court staff may physically return to work at their regularly assigned positions and locations. Superior Court operations at SE, NE and NW will open. However, the public shall be restricted from access to the court facilities except for essential services detailed above.

Under the “Skinny Operations” Plan, any proceedings that can be handled telephonically or through video conferencing shall go forward. For this, the court is presently developing protocols and conducting trainings for use of “Goto Meeting” as the video-conferencing platform.

In addition, many of the calendars for commissioners (such as IV-D hearings and specialty court) shall be repopulated to the extent those proceedings can be conducted telephonically or through video-conferencing. Procedures for Decree of Demand (default hearings) shall also begin again, the protocols for which are now being developed.

Many of the programs through Conciliation Services shall also be conducted. This will likely include Mediations, Open Negotiations and

Conciliation Conferences, to the extent they can be conducted telephonically or through other similar means. There will likely be further delay for Child Interviews and Parenting Conferences. Early Resolution Conferences shall also be conducted telephonically.

As you can see, the biggest change from “Break Glass” to “Skinny Operations” will be the presence of and accessibility to the vast number of court staff and procedures of the family department. This will allow far more proceedings to be conducted while there remain restrictions on access to the court facilities.

The New Normal Operations

Eventually, the court shall open its doors to all who wish to enter. But we do not yet know when that will happen or what that will look like. At a minimum, there shall be every effort made to continue to employ appropriate social distancing, as will be evidenced by markings in each courtroom.

Summary

We are under the most restrictive phase of operations and we hope that further restrictions will not be required. We are gearing up for the transition back to a more normalized court operation but the dates for those changes have not yet been and could not yet be determined.

This memo is to better explain court operations in general terms and is not intended to be comprehensive. Further, protocols and procedures change on almost a daily basis as circumstances dictate. In addition, the Clerk of the Court is a separate entity and while they have been invaluable partners with the court during this crisis, they have their own internal rules under which they operate.

We will do our best to keep everyone informed of changes. Information may be found on the COVID-19 icon within the Court’s Website. Additional information may also be secured by calling Family Department Administration at (602) 506-1561.