

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

IN THE COUNTY COURT OF BANNER COUNTY, NEBRASKA

IN RE: NOVEL CORONAVIRUS)	SECOND ADMINISTRATIVE ORDER
AND COVID-19 DISEASE)	OF THE COUNTY JUDGES
)	RE: COURT PROCEDURES AND
)	THE CORONAVIRUS/COVID-19
)	STATE OF EMERGENCY

NOW ON THIS 3rd day of April, 2020, this matter comes before the judges of the County Courts of Scotts Bluff and Banner on the Courts' own motion to determine procedures to be utilized during the current state of emergency. Being fully advised in the premises, and in an effort to maintain judicial operations and access to the court system, while mitigating exposure to, and the spread of COVID-19, the Court finds and orders as follows:

On March 12, 2020, Nebraska Supreme Court Chief Justice Michael G. Heavican issued an administrative order regarding procedures to be followed in Nebraska's trial and appellate courts in response to the public health emergency caused by novel coronavirus and the COVID-19 disease.

On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States is a national emergency. That same day Governor Pete Ricketts declared that a state of emergency exists within the State of Nebraska as a result of the COVID-19 outbreak.

Since Nebraska's first reported case, community transmission of the COVID-19 has occurred and will likely spread statewide. In response to this disease, the Centers for Disease Control and Prevention (CDC) and the Nebraska Department of Health and Human Services (NEDHHS) have established guidelines to reduce the risk of contracting or spreading COVID-19.

In conformity with the Chief Justice's administrative order, the federal and state emergency declarations, and the guidance from the CDC and the NEDHHS, court procedures in the County Courts of Scotts Bluff and Banner should be modified.

IT IS THEREFORE ORDERED that, effective immediately, and until further order of the Court:

1. All in-person hearings for civil and probate cases which are not emergent in nature, and which do not involve statutorily mandated time limits, shall be conducted by telephone or video conferencing until further order of the Court, unless scheduled as set forth in paragraph 5. Cases considered to be emergent, or which involve statutory time limits (i.e. protection orders, landlord-tenant cases, adoptions, etc.) will be scheduled accordingly.
2. All in-person hearings for criminal and traffic cases presently scheduled for the months of April and May 2020, shall be conducted telephonically or by video conferencing, unless continued by the court, or scheduled as set forth below or in paragraphs 5 and 7.
3. All first appearances and adjudication hearings in juvenile cases are hereby continued for at least sixty (60) days, unless scheduled as set forth below or otherwise ordered by the Court.
 - a. The period of time between a juvenile's/parent's currently scheduled court date and the date upon which the juvenile's/parent's next court date is scheduled shall be excluded in computing the time for trial, pursuant to the Court's finding of good cause under Neb. Rev. Stat. §§ 29-1207(4)(f), 43-277, and 43-278.
 - b. Detention/protective custody hearings will be conducted as required by statute. Such hearings will be conducted in-person, or via telephone or video conference, at the discretion of the Court in consultation with the parties.
 - c. All other juvenile hearings shall be conducted telephonically or by video conferencing, unless continued by the Court.
 - d. Juvenile review and permanency hearings in which there are no objections to the case plan/court report shall be conducted upon the written stipulation of the parties. Upon the filing of a written stipulation, the Court will enter the appropriate orders.
4. In all case types, the use of written filings is encouraged to keep cases progressing (e.g. written denials/not guilty pleas, written waiver of preliminary hearing, stipulations and agreements, etc.).
5. Cases of any type may be scheduled as follows:
 - a. Evidentiary hearings, not otherwise addressed herein, may be heard via telephone or video conference upon the agreement of all parties, with approval of the Court.

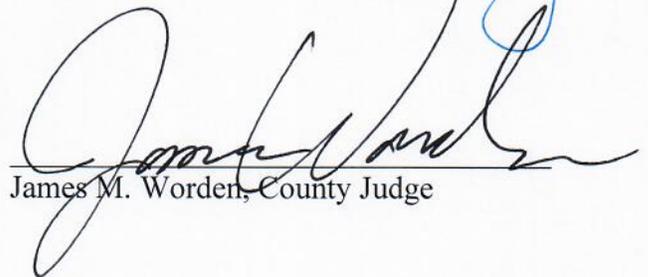
The stipulation of the parties to conduct an evidentiary hearing via telephone or video conference shall be filed with the Court prior to scheduling such hearing. The parties shall be responsible for obtaining the Court's approval for such hearing, and for scheduling such hearing with the Court.

- b. In-person evidentiary hearings may be ordered and heard at the discretion of the Court. Only parties, their attorneys, and the witness testifying will be allowed in the courtroom. All other witnesses shall remain outside of the courtroom until called. No spectators will be allowed in the courtroom.
6. Motions to continue will be liberally granted; objections to said motions shall be scheduled promptly and heard telephonically.
7. The Court may, on its own motion, reschedule matters currently scheduled for in-court appearances to telephonic or video conference hearings.
8. This Order supersedes any previous order issued by the Court.
9. Expanded news media coverage will be allowed pursuant to court rule. However, the Court may limit the number of news media personnel.

BY THE COURT:




Kristen D. Mickey, County Judge


James M. Worden, County Judge