

IN THE COUNTY COURTS OF BOONE COUNTY, MERRICK COUNTY, NANCE  
COUNTY, AND POLK COUNTY, NEBRASKA

) AMENDED  
) ADMINISTRATIVE ORDER  
)  
) IN RE: COURT PROCEDURES  
) DURING THE CORONAVIRUS/  
) COVID-19 STATE OF EMERGENCY  
)

In conjunction with the Administrative Order of the Chief Justice of the Nebraska Supreme Court issued November 6, 2020; the Administrative Order of the Presiding Judge of the Fifth Judicial District issued March 20, 2020; Nebraska Department of Health and Human Services Directed Health Measures; and, the laws of the State of Nebraska, the Court finds and orders, as follows:

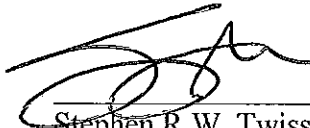
1. The Courts shall remain open and shall not close unless or until the Chief Justice of the Nebraska Supreme Court issues an order declaring a nonjudicial day. Although county officials may close a courthouse, or restrict access to a courthouse, court staff shall continue to perform the necessary and essential functions of the Court in order to maintain law and order; to protect individual, constitutional, and statutory rights; and, to provide an open forum for due process of law, consistent with the health, safety, and welfare of the public, parties, attorneys, witnesses, courtroom personnel, and court staff.
2. Any hearing or trial which is not emergent or essential in nature, and which does not involve statutory time limits, may be continued by the Court. Hearings and trials which are emergent or essential in nature, or which involve statutory time limits, will be held as scheduled by the Court.
3. All non-evidentiary civil and probate hearings shall be heard by telephone or videoconference. Any other non-evidentiary hearing may be heard by telephone or videoconference upon the request of any party, with the approval of the Court. Any party requesting a telephonic or videoconference hearing shall be responsible for communicating with the Court for approval and scheduling.

4. Evidentiary hearings may be heard by telephone or videoconference upon the agreement of all parties, with the approval of the Court. The stipulation of the parties to conduct an evidentiary hearing by telephone or videoconference shall be filed with the Court prior to such hearing. The parties shall be responsible for communicating with the Court for approval and scheduling.
5. In-person hearings and trials of any type may be ordered and heard on a case by case basis, at the discretion of the Court.
6. Detention and protective custody hearings in juvenile cases will be conducted as required by statute. Such hearings may be conducted in-person or by telephone or videoconference at the discretion of the Court in consultation with the parties.
7. Bond review hearings shall be conducted by telephone or videoconference. Any defendant or attorney requesting a bond review hearing shall contact the Court to schedule such hearing. Bond reviews may be conducted without a hearing by the agreement of the parties, with the approval of the Court.
8. The Court will accept written waivers of arraignment, written pleas of not guilty, and written waivers of preliminary hearing, from any defendant pursuant to section 29-4206 of the Nebraska Revised Statutes.
9. All other matters will be handled on a case by case basis and, to the extent possible, telephonic, facsimile, mail, or e-mail communication with the Court and court staff is requested by any person, party, or attorney conducting business with the Court.
10. In order to limit the transmission of COVID-19 to staff, counsel, parties, and other participants, the following measures shall be required in the courtroom:
  - a. Current and effective Nebraska Department of Health and Human Services Directed Health Measures regarding Gathering occupancy restrictions and social distancing shall be followed;
  - b. All persons are required to wear a mask or face covering completely covering and concealing their nose and mouth;
  - c. Hand sanitizer shall be provided and available for use by all persons prior to entering the courtroom; and,

- d. Heightened, diligent, and effective disinfection of exposed surfaces meeting the directions of the Nebraska Department of Health and Human Services, the Center for Disease Control and Prevention, and the Environmental Protection Agency shall be implemented.
11. Any party or attorney may petition the Court and request a hearing for relief from this Order, or to object to the procedures set forth in this Order. Such petition shall be heard and addressed by the Court, on the record, as soon as practicable.
12. This Order may be modified, set aside, or vacated by the Court, at any time, with or without notice.

Dated: November 18, 2020.

BY THE COURT:

  
Stephen R.W. Twiss  
County Judge

