

**RED WILLOW, FURNAS, HITCHCOCK & HAYES COUNTY COURT**  
**ADMINISTRATIVE ORDER**

RE: Court Procedures during Coronavirus/COVID-19 State of Emergency

March 31, 2020

WHEREAS, the Governor of the State of Nebraska has declared that a state of emergency exists in the State of Nebraska and has issued a restriction on the number of people who may gather in a public place to ten (10) or less; and

WHEREAS, as a result of this restriction the County Boards have restricted access to courthouses in some of the above-named counties; and

WHEREAS community transmission of COVID-19 has occurred within the State of Nebraska since Nebraska's first reported case and the Nebraska Department of Health and Human Services (NEDHHS) and the Centers for Disease Control (CDC) have established guidelines to reduce the risk of contracting and spreading COVID-19;

WHEREAS there has been no Order issued from the Supreme Court of Nebraska which limits court or probation operations and the Supreme Court of Nebraska has instructed all courts to devise and implement an emergency preparedness plan to carry our mission essential functions of the courts.

In conformity with the Chief Justice's Administrative Order, the federal and state emergency declarations, and the guidance from CDC and the NEDHHS, it is necessary to modify court procedures immediately. The Court hereby instructs, notifies and orders, effective immediately and until further notice as follows:

**The Courts will remain open**

However, *all in person* hearings will be limited to statutorily time sensitive and/or constitutionally mandated matters. Additionally, any item that is deemed an emergency by the Court will be heard. Attorneys, litigants, and witnesses will be allowed to enter the Courthouse to attend these hearings subject to the restrictions listed below. Non litigants (except witnesses) will not be permitted into the building or Courtroom except as authorized by the Court.

**Civil Court**

We will hear time sensitive and/or emergency matters with regard to civil cases. We would prefer to conduct most if not all hearings on time sensitive civil matters (For example, Garnishment Objections) by phone if possible. All parties are encouraged to contact the court in advance of the hearing to make arrangements to appear by phone or video. Court office numbers are as follows:

Red Willow & Hayes: 308-345-1904. Furnas: 308-268-4025. Hitchcock: 308-334-5383.

**Juvenile Court**

**Sub 1's, 2's and 3b's**

All initial appearances on sub 1's, 2's and 3b's will be continued by the Court for good cause unless a child has been removed from their home and placed in shelter or detention, or some other emergency is present.

Detention and placement hearings will be by phone or video. Parents will be allowed to attend by phone. Attorneys are expected to appear unless other arrangements are made with the Court.

Review hearings on all sub 1's, 2's and 3b's will be continued by the Court unless an emergency exists.

**3(a)'s**

No children will be allowed in the building or in the Courtroom on 3(a) hearings during this health care emergency.

Prehearing conferences and status hearings will be continued.

The parents may appear by phone or video on all 3(a) disposition, review and permanency/Exception to TRP hearings. The attorney for the parent and GAL for the child is expected to appear unless other arrangements are made with the Court, and will be responsible to notify their client of the time and date of the hearing. The attorney and/or care worker will provide the Court with the parent's phone number to call at the time of the hearing. If the parent does not want to agree to appear by phone, then the review and/or disposition hearing will be rescheduled.

**Initial appearance by a parent on a 3(a) petition is required.** The parent may waive their actual appearance in Court and appear by phone or video. The attorneys for the parent and GAL are expected to appear in Court unless authorized by the Court to appear by phone or video in advance of the hearing.

The Court will hear any custody, placement, visitation, or modification of visitation requests. The attorneys will appear in person unless other arrangements are made in advance of the hearing. Parents shall appear by phone or video.

All Termination of Parental Rights Hearings will be continued. However, the Court reserves the right on cases involving publication to conduct the hearing on the date listed in the publication.

**Criminal**

**Incarcerated**

All hearings, evidentiary or otherwise, may be by video.

The Court will accept written waiver of Preliminary Hearing on felonies.

**Non-Incarcerated**

The Court will accept written waiver of Preliminary Hearings on felonies.

The Court will grant requests for continuances liberally.

The Court on its own motion will continue all non-jailed criminal cases (both City and State) until May or longer.

**Time Payments**

All time payments are automatically continued until after May 31, 2020.

**General**

Any party or their attorney may petition the Court and request a hearing, on the record, for relief from the foregoing Order or to object, in any way, to the Court's procedures in this regard. Any request will be addressed as soon as possible.

All attorneys shall continue to notify the Court and opposing counsel if any client or witness comes within any risk category, as outlined in the Administrative Order of the Chief Justice of the Nebraska Supreme Court on March 12, 2020, and shall fully comply with all provisions of said Order.

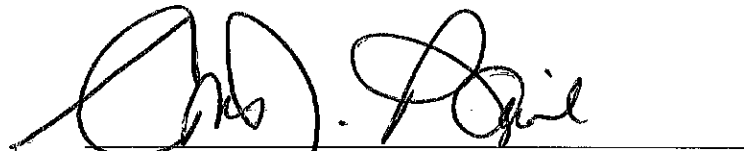
Pursuant to the guidelines issues by the CDC, courtroom capacity shall not exceed ten (10) people including court staff.

The courtroom remains open to members of the media and expanded news media coverage will be allowed on a case-by-case basis however the Court may limit the number of news medial personnel.

This Order may be modified at any time, as deemed necessary to address concerns raised by the ongoing health care emergency. We ask your cooperation and patience as well all work together to get through this most difficult time.

IT IS SO ORDERED

BY THE COURT:



County Court Judge