

On August 24, 2022, the Nebraska Supreme Court approved the following new rule of the Rules of the District Court of the Fifth Judicial District, specifically “Rule 5-18. Emergency Modified Court Operations”:

## **District 5**

### **Rules of the District Court of the Fifth Judicial District**

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#### **Rule 5-18. Emergency Modified Court Operations**

**A. Purpose:** The purpose of this rule is to establish a procedure for determination of when Emergency Modified Court Operations will be implemented and what the modified operations may be.

**B. Applicability:** Emergency Modified Court Operations will be implemented upon a determination that normal operating procedures have been interrupted.

**C. Implementation:** Implementation of Emergency Modified Court Operations shall occur upon a determination by the Presiding Judges of the District and County Courts of the Fifth Judicial District.

1. Implementation shall occur upon mandate by Federal, State, or Local Government, or upon determination by the District and County Court Judges after consulting with local stakeholders.

2. Local stakeholders shall include, but not be limited to, the following: County Boards, Law Enforcement, County Attorneys, Public Defenders, Judges of the Fifth Judicial District, Health Departments, Department of Health and Human Services, Department of Probation, Corrections, Local Bar Associations, and County and District Court Clerks and Clerk Magistrates.

3. The Presiding Judges of the District and County Courts of the Fifth Judicial District shall be responsible for coordinating and facilitating communications with local stakeholders and for planning and implementing Emergency Modified Court Operations.

**D. Notice:** Notice of implementation of Emergency Modified Court Operations shall be provided by posting within a courthouse, media outlets, web sites, and any other means as determined by the Presiding Judges of the Fifth Judicial District.

**E. Emergency Modified Court Operations:**

1. Upon interruption of normal operating procedures by pandemic, natural disaster, or any other circumstance, the Courts of the Fifth Judicial District shall modify operations to ensure that all essential functions of the Courts continue.

2. Essential functions shall include, but are not limited to, the following:

a. Custodial criminal proceedings;

b. Protection order proceedings;

c. Receipt of all filings;

d. Criminal arrest and search warrants;

e. Juvenile intakes and detention hearings;

f. Juvenile protective custody hearings;

g. Receipt of financial payments;

h. Processing of appeals;

i. Habeas Corpus proceedings;

j. Hearings mandated by statute;

k. Emergency ex-parte custody orders and emergency placement orders;

l. Emergency protective custody proceedings; and

m. Any other matters deemed essential upon a determination by the Presiding Judges of the Fifth Judicial District.

3. The Presiding Judges of the Fifth Judicial District shall develop protocols and procedures to allow the courts to carry on essential functions based upon the cause and effect of the interruption. The protocols and procedures may include the following:

a. Use of virtual conferencing;

b. Relocation of courtrooms;

c. Alternative filing methods; and

d. Any other protocol or procedure deemed necessary by the Presiding Judges of the Fifth Judicial District to carry out the essential functions of the Courts of the Fifth Judicial District.

**F. Notification:** Notification of the protocols and procedures shall be provided by posting, e-mail communication, and any other method available to inform parties, attorneys, staff, and the public.

**G. Return to Normal Court Operations:** The Presiding Judges of the Fifth Judicial District shall be responsible for determining when the Courts shall return to normal operations. Notice of the return to normal operations shall be provided by posting, e-mail communication, and any other method available to inform parties, attorneys, staff, and the public.