

In the Supreme Court of the State of Idaho

RE: EMERGENCY ORDER)
REGARDING COURT)
SERVICES)
_____)

ORDER
November 23, 2021

This Court has previously issued a series of emergency orders intended to address the substantial health and safety risks faced by the public accessing the courts, court personnel, and participants in court proceedings caused by the community spread of the coronavirus. On September 22, 2021 and October 6, 2021, this Court issued administrative orders following the Idaho Department of Health and Welfare’s Declaration of Crisis Standards of Care on September 16, 2021. Since those orders were issued, the incidence rate of COVID-19 cases has decreased. On November 22, 2021, the Director of the Idaho Department of Health and Welfare issued a declaration which deactivated the crisis standards of care for all public health districts in the state of Idaho, except for the Panhandle Public Health District. The Panhandle Public Health District covers Boundary, Bonner, Kootenai, Benewah, and Shoshone counties. We will continue to monitor the data and information related to the coronavirus, its variants, and the incidence of COVID-19, and will adjust court operations orders as becomes prudent with the changing circumstances.

In light of the improving circumstances, as reflected by the declaration deactivating crisis standards of care for most parts of the state, we have concluded that further modification of our safety protocols is now warranted. In order to continue to foster public safety and reduce the risk of the spread of coronavirus and the incidence of COVID-19 and its variants, court operations shall be governed by the following rules until further order of the Court:

1. **Weekly Publication of COVID-19 Incidence Rates:** The Data and Evaluation Unit of the Administrative Office of Courts shall utilize data obtained from the Idaho Department of Health and Welfare’s COVID-19 Data Dashboard, and shall determine the weekly COVID-19 incidence rates for each county every Thursday evening after 5:00 p.m. Mountain Time. The weekly COVID-19 incidence rates shall be published to the Administrative District Judges and Trial Court Administrators on Friday mornings of each week.
2. **Administrative District Judges Authorized to Issue Orders Regarding Courthouse and Courtroom Risk Reduction Protocols in Their Districts:** If, as reflected in the report described in paragraph 1, a county’s seven-day moving average incidence rate of confirmed or presumed cases of COVID-19 is 24.9 or lower, and the county is not located within a public health district subject to an active declaration of Idaho’s crisis standards of care, the Administrative District Judge is responsible for ensuring adequate measures are in place in each courthouse to reduce the risk of transmission of the coronavirus to all persons participating in a court proceeding or doing court business. Adequate measures may include, but are not limited to, requiring social distancing, masking, and the use of remote proceedings. In determining adequate measures, the Administrative District Judge should consider local conditions including, but not limited to, the COVID-19 incidence rate of the county as reflected in the weekly incidence report described in paragraph 1.