

STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – E F F E C T I V E M A Y 1 8 , 2 0 2 1

TWENTIETH RENEWED AND AMENDED EMERGENCY ORDER
GOVERNING OPERATIONS OF NEW HAMPSHIRE COURTS
AND SUPREME COURT COMMITTEES

Pursuant to its constitutional and statutory authority and powers of general superintendence over the New Hampshire court system, and conditioned upon Governor Sununu renewing his State of Emergency Declaration under RSA 4:45, the New Hampshire Supreme Court, in consultation with public-health officials, makes the following orders governing the operations of **all New Hampshire courts and Supreme Court committees** in light of the COVID-19 pandemic and the substantial progress that has been made toward containing it.

1. The April 23, 2021 emergency order governing New Hampshire courts and Supreme Court committees remains in effect until 8:00 a.m. on May 18, 2021.

2. The following paragraphs of this emergency order will go into effect at 8:00 a.m. on May 18, 2021, and will remain in effect through the earlier of June 7, 2021, or the last day of a Declared State of Emergency, unless this order is explicitly revoked beforehand.

3. Since the onset of the pandemic, the New Hampshire courts and Supreme Court committees have remained open to perform their judicial and administrative responsibilities, but have curtailed in-person proceedings and restricted public access to the courthouses and committee offices (collectively, “judicial branch facilities”) in order to mitigate the risks associated with COVID-19. In more recent months, the courts and committees have eased certain restrictions on public access to their facilities and have expanded the number and type of proceedings conducted in person. This emergency order builds on that progress. As of May 18, 2021, the clerks’ offices in all courts and the committees’ offices will be open to the public, in keeping with the New Hampshire Constitution’s requirement that “the public’s right of access to governmental proceedings and records shall not be unreasonably restricted.” Each court and each committee shall continue to work toward a greater

expansion of in-person proceedings, with the goal of achieving the full resumption of in-person operations as soon as possible.

4. This emergency order will be the final one relating to COVID-19, but operational efficiencies realized and lessons learned during the pandemic will not be discarded as of June 8, 2021. To improve access to justice and to maintain those efficiencies, the Superior Court and the Circuit Court have each issued an Administrative Order that makes telephonic and video hearings a normal feature of their ongoing operations (see Appendix A and Appendix B).

Public Access to Judicial Branch Facilities (All Courts and Committees)

5. The **Supreme Court** building will be physically open to the public between 8:30 a.m. and 4:30 p.m., Monday through Friday.

6. Access to **Superior Court and Circuit Court** facilities is permitted, during their normal business hours, to persons who are present to attend in-person court proceedings and/or to conduct in-person business with the clerk's office. In-person proceedings in the **Superior Court** include those identified in paragraphs 19, 20, and 21. In-person proceedings in the **Circuit Court** include those identified in paragraphs 29, 30, and 31.

7. Each **Supreme Court committee** with a physical office will be open to the public during that committee's normal business hours.

8. All persons entering a judicial branch facility may be subject to screening procedures, such as self-assessment, to determine their risk of transmitting COVID-19. Pursuant to the July 24, 2020 order of the Supreme Court, and until further order, all persons in a judicial branch facility must wear face covers that cover the mouth and nose; this requirement does not apply to anyone for whom the wearing of a face cover would be contrary to their health or safety. For purposes of preventing the spread of COVID-19, all persons in a judicial branch facility are encouraged to maintain physical distancing from others.

9. The remaining sections of this order set forth additional provisions applicable to the Supreme Court, the Superior Court, the Circuit Court, and Supreme Court committees, respectively.

Additional Provisions Applicable to Supreme Court

10. The clerk's office will be open and accessible to the public for purposes of obtaining court forms, requesting information, submitting filings, reviewing case files, or engaging in self-service use of the computer kiosk for electronic filing or electronic access to court records. Persons are encouraged to obtain

forms and information remotely from the Supreme Court's website, <https://www.courts.state.nh.us/supreme/index.htm>, and to submit filings through the court's electronic filing (e-filing) system, through the mail, or via the drop box in front of the Supreme Court building. Persons may also request assistance regarding a Supreme Court case by calling (603) 271-2646.

11. The Supreme Court has issued oral argument lists for May 27, June 15, June 17, and June 22, 2021. The oral argument lists are available here: <https://www.courts.state.nh.us/supreme/orals/index.htm>. The oral arguments are scheduled to take place in person, with attendance in the courtroom open to the public except in any case identified as confidential. Interested observers who do not attend in person may watch and listen to a live stream of the oral arguments via the Supreme Court webcast, except in any case identified as confidential. Persons presenting oral argument will be permitted to use the Law Library as a preparation space.

12. The Law Library will be open to the public. The Law Library will continue to offer curbside service to accommodate borrowers who would prefer not to come into the Law Library. Information concerning curbside pickup of books is available here: <https://www.courts.state.nh.us/lawlibrary/index.htm>. For research assistance and other questions, Law Library staff are available between 8:30 a.m. and 4:30 p.m., Monday through Friday, by calling (603) 271-3777 or by emailing lawlibrary@courts.state.nh.us.

13. Notwithstanding the public access permitted by this order, any Supreme Court Rule that impedes the ability of the court or the clerk to utilize available technologies, in appropriate circumstances, to limit in-person contact or obviate travel to the Supreme Court building is suspended for the duration of this order. In particular, the provisions of Rule 4(a) of the Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing are suspended to the extent that they:

- Restrict the ability of attorneys, self-represented parties, and nonlawyer representatives in cases commenced in the Supreme Court prior to August 6, 2018, to submit documents through the e-filing system.
- Restrict the ability of self-represented parties and nonlawyer representatives in cases commenced in the Supreme Court on or after August 6, 2018, but prior to January 1, 2020, to submit documents through the e-filing system.
- Require self-represented parties and nonlawyer representatives in cases commenced in the Supreme Court on or after January 1, 2020, to submit documents through the e-filing system.

14. Accordingly, in any Supreme Court case, a filing may be submitted by an attorney, a self-represented party, or a nonlawyer representative in any of the following ways during the effective period of this order: (a) electronically through the court's e-filing system; (b) in paper, by mailing or delivering the filing to the clerk's office; or (c) in paper, by placing the filing in the drop box that is located in front of the Supreme Court building. The timing, including timeliness, of a filing shall be determined in accordance with applicable Rules. See Rule 9(d) of the Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing; Supreme Court Rule 26(1).

15. The Supreme Court will continue to accept electronic signatures on any pleading and will allow a litigant's signature to be electronically or conventionally made by the litigant's attorney, provided that the attorney includes a statement that the attorney has communicated with the litigant, the attorney has received the litigant's authorization to sign the pleading on the litigant's behalf, and the litigant has affirmed the information in the pleading.

16. Given the expanded methods of filing allowed by this order, and the interests of both the Supreme Court and the parties in advancing cases toward resolution, Supreme Court filing deadlines are not extended, tolled or suspended by this order, but may be extended upon motion in accordance with Supreme Court Rules.

Additional Provisions Applicable to Superior Court

17. The clerks' offices will be open and accessible to the public for purposes of obtaining court forms, requesting information, submitting filings, or reviewing case files. Persons are encouraged to obtain forms and information remotely from the Superior Court's website, <https://www.courts.state.nh.us/superior/index.htm>. Persons can also receive assistance regarding court cases by contacting the Information Center at 855-212-1234.

18. E-filing remains in operation in the Superior Court. In cases not subject to e-filing, pleadings may be submitted via email to SuperiorEFC@courts.state.nh.us.

19. A separate order was issued by the Superior Court on July 14, 2020, authorizing the resumption of in-person jury trial and grand jury proceedings in August 2020, consistent with the Superior Court's roll-out plan outlined in The State Court Jury Trial Plan and in accordance with protocols for the resumption of grand jury proceedings. The State Court Jury Trial Plan is available here: <https://www.courts.state.nh.us/aoc/State-Court-Jury-Trial-Plan.pdf>. Since August 2020, the Superior Court convened a statewide grand jury process to ensure all counties could conduct grand jury proceedings and

has held forty-six jury trials. Each county is currently prepared to hold jury trials. In consultation with public-health officials, the Superior Court will continue to evaluate the safety of conducting jury trials and other proceedings on a week-to-week basis.

20. In addition to jury trials and grand jury proceedings, in-person court proceedings may be held in the following circumstances, among others:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bail-related matters, trials, and plea agreements for incarcerated individuals.
- Proceedings related to petitions for temporary emergency injunctive relief.
- Proceedings directly related to the COVID-19 public health emergency.
- Proceedings listed in paragraph 21 below.
- Other circumstances as approved by the Chief Justice of the Superior Court or by the Chief Justice or Senior Associate Justice of the Supreme Court.

21. The following hearings will be scheduled for in-person hearings, with the ability for either party to request conversion to a remote hearing. However, any hearing that has already been scheduled will not be changed, rescheduled, or converted absent party request.

- Suppression hearings.
- Contested plea and sentencing hearings.
- Contested violation of probation hearings.
- Drug Court termination hearings.
- Contested civil hearings and bench trials.

22. The Chief Justice of the Superior Court may determine, based upon staffing levels or other factors, that hearings in individual cases subject to the preceding paragraphs be conducted at court locations other than those at which they would normally occur or be conducted by video or by telephone. Any statutory restrictions on venue are hereby suspended for the duration of this order.

23. Other in-person hearings may be suspended. All judges and court clerks are permitted to use available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies, in appropriate circumstances, to limit in-person contact is suspended for the duration of this order.

24. The Superior Court will accept electronic signatures on pleadings and will allow litigants' signatures to be electronically signed by attorneys and/or bail commissioners with a statement that they have communicated with the litigant who has authorized them to do so.

25. To assist parties in resolving their disputes, the Superior Court will have judicial officers available to engage in settlement conferences for parties at no cost. Parties can file a joint statement with the court requesting a settlement conference be scheduled.

26. Superior Court Administrative Order 2020-03, suspending the 90-day deadline to indict, remains in effect until further notice. All other deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise are in effect.

27. Orders of protection and temporary injunctions that would otherwise expire between May 18, 2021, and June 7, 2021 and/or the last day of a Declared State of Emergency are hereby extended to the earlier of June 8, 2021, or the last day of a Declared State of Emergency.

Additional Provisions Applicable to Circuit Court

28. The clerks' offices will be open and accessible to the public for purposes of obtaining court forms, requesting information, submitting filings, or reviewing case files. Persons are encouraged to obtain forms and information remotely from the Circuit Court's website, <https://www.courts.state.nh.us/circuitcourt/index.htm>. Persons can also receive assistance regarding court cases by contacting the Information Center at 855-212-1234.

29. In-person court proceedings may be held in the following circumstances, among others:

- a. Proceedings necessary to protect constitutional rights of criminal defendants, including bail-related matters, trials, and plea agreements for incarcerated individuals.
- b. Requests for orders of protection from domestic violence under RSA 173-B, stalking under RSA 633:3-a and juvenile abuse under RSA 169-C:7-a, and hearings on such orders.
- c. Requests for child-related emergency orders in divorce/parenting cases under RSA 461-A and hearings on any emergency relief ordered.
- d. Temporary hearings in divorce/parenting cases.

- e. Hearings on the enforcement, establishment or modification of child support whether financial, medical, or both.
- f. Division for Children, Youth and Families' requests for emergency orders and hearings on such orders, as well as other hearings in RSA 169-C cases if children are in out-of-home placement.
- g. Requests for detention or placement of a juvenile under RSA 169-B and all hearings in RSA 169-B cases for juveniles who are detained or in an out-of-home placement.
- h. Requests for placement of a juvenile under RSA 169-D and all hearings in RSA 169-D cases in which the juvenile is in an out-of-home placement.
- i. Proceedings related to petitions for temporary emergency injunctive relief.
- j. Proceedings related to emergency mental health orders, including Involuntary Emergency Admission and Involuntary Admission (probate commitment) proceedings under RSA 135-C.
- k. Petitions for guardianship of minors under RSA 463 or guardianship over incapacitated persons under RSA 464-A, and hearings on such orders.
- l. Landlord/Tenant proceedings under RSA 540 and 540-A.
- m. Termination of parental rights hearings under RSA 170-C.
- n. Proceedings directly related to the COVID-19 public health emergency.
- o. Other exceptions as approved by the Administrative Judges of the Circuit Court or by the Chief Justice or Senior Associate Justice of the Supreme Court.

30. To comply with the ongoing recommendations to mitigate the risks of COVID-19, the Circuit Court will conduct many of the above-referenced cases telephonically or by video, to the extent possible, and the court will notify the parties how to access their telephonic or video hearing. Note: certain matters will be scheduled for in-person hearings in the first instance, as follows:

- Trials in criminal cases, as referenced in paragraph 29(a), unless the defendant waives in-person participation.
- Final hearings in domestic violence or stalking cases, or juvenile abuse cases, as referenced in paragraph 29(b).
- Child support enforcement hearings, as referenced in paragraph 29(e);
- Adjudicatory hearings in Abuse/Neglect cases, as referenced in paragraph 29(f), unless the parent(s) waive(s) in-person participation;

- Adjudicatory hearings in Delinquency/CHINS cases, as referenced in paragraph 29(g) and (h), unless the juvenile waives in-person participation;
- Final hearings in termination of parental rights cases, as referenced in paragraph 29(m), unless the respondent waives in-person participation.

Nothing about the addition of in-person hearings in this paragraph 30 will change any hearings currently scheduled as remote hearings. Hearings currently scheduled as remote hearings (telephonic or video) will be held as scheduled.

31. In matters other than those listed in paragraphs 29 and 30, the Circuit Court may conduct in-person, telephonic or video hearings, as determined by the Administrative Judges of the Circuit Court, in consultation with the trial judges or their designees.

32. The following additional provisions are applicable to landlord and tenant proceedings under RSA 540:

- a. To ensure compliance with federal Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, the Centers for Disease Control and Prevention’s public health order regarding evictions, Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 16731 (Mar. 31, 2021) (referred to in this Order as “CDC Order”), and any statute, regulation, or executive action extending the effective date of the CDC Order, all landlords in residential eviction actions must file an affidavit, on a form approved by the Circuit Court, documenting their compliance with, or exemption from, CARES Act Section 4024 and the CDC Order. The affidavit must be filed with the court prior to entry of a landlord and tenant writ and served upon the tenant with the writ. No writ will be entered or docketed (see Circuit Court District Division Rule 5.3) unless the landlord files the affidavit.
- b. For residential eviction proceedings initiated prior to September 4, 2020 in which a writ of possession has not been issued, landlords must file an updated affidavit to document their compliance with the CDC Order, even if they have previously filed an affidavit of compliance. No writ of possession shall be issued until the landlord files a new affidavit.
- c. Landlords have an affirmative obligation to notify the court hearing an eviction action if the tenant provides to the landlord a declaration pursuant to the CDC Order at any time prior to the service of a writ of possession by the sheriff. This obligation applies even if the landlord

has previously filed the affidavit required by paragraph 32(a). Landlords may not pursue an eviction action for any reason other than one of the five listed in the “Applicability” section of the CDC Order if the tenant becomes a “covered person” within the meaning of the CDC Order at any stage in the proceeding, even after a writ of possession has been issued by the court.

- d. In all cases in which issuance of a writ of possession or other process or proceedings have been stayed as a result of the CDC Order or prior Supreme Court Order, any deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise are extended through the final day the CDC Order is in effect. Deadlines for filing a notice of intent to appeal with the local court, an appeal to the Supreme Court, or payment of rent during the pendency of an appeal are not extended. The period for calculating all deadlines extended under this Order will begin on the day after the expiration of the CDC Order regardless of whether any portion of the time for complying with a deadline had elapsed prior to the case being stayed.
- e. To the extent the CDC Order remains in effect after the expiration of this emergency order, the Circuit Court will adopt procedures by Administrative Order to ensure uniform processing of landlord and tenant cases subject to the CDC Order and compliance with federal law, consistent with the requirements set forth in paragraph 32 of this order.

33. For Small Claims pretrial and mediation sessions, all attendance and participation requirements set forth in Circuit Court District Division Rules 4.4 and 4.12 shall apply as if the proceedings were taking place in person. Further, the Circuit Court may require that all documentation and information necessary for the court to make a Periodic Payment determination pursuant to Circuit Court District Division Rule 4.10 be submitted in writing or electronically in the first instance. Any such determination made by the court after review of all submissions shall have full force and effect. The failure of any party to submit such documentation may result in the issuance of a Payment Order, a Payment Hearing or a denial of the Motion for Periodic Payments.

34. For any of the above hearings, filings should be mailed or delivered to the clerk’s office at each courthouse. In exceptional circumstances, documents may be submitted by email to the COVID-19 email address provided on the hearing notice, or obtained through the Information Center. If documents must be submitted by email, the filer should include the case name and case number in the subject line.

35. Any filing/exhibit submitted by email must also be sent to the court via U.S. mail, to be docketed as part of the official court record.
36. Emailed filings should occur only in cases that are scheduled for hearings pursuant to this order, for which documents could not have been submitted earlier. Any submission unrelated to such hearings or that should have been mailed or delivered will not be accepted by email.
37. Notwithstanding Rule 11(a)(4) of the Rules of Criminal Procedure, the Circuit Court may take a plea from a defendant without a signed Acknowledgement and Waiver of Rights Form by reviewing the defendant's rights on the record and obtaining the defendant's oral waiver.
38. The Circuit Court will accept electronic signatures on pleadings and will allow litigants' signatures to be electronically signed by attorneys and/or bail commissioners with a statement that they have communicated with the litigant who has authorized them to do so.
39. The Administrative Judges of the Circuit Court may determine, based upon staffing levels or other factors, that hearings in individual cases subject to the preceding paragraphs be conducted at court locations other than those at which they would normally occur or be conducted by video or by telephone. Any statutory restrictions on venue are hereby suspended for the duration of this order.
40. Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, clerks of court are charged with ensuring that core constitutional and safety-related court functions continue. Nevertheless, all judges and court clerks are permitted to use available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies, in appropriate circumstances, to limit in-person contact is suspended for the duration of this order.
41. This order permits court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.
42. All deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise are in effect, except

that the deadlines for scheduling of hearings may be extended as the needs of the trial court require.

Additional Provisions Applicable to Supreme Court Committees

43. Each committee with a physical office will be open and accessible to the public for purposes of obtaining forms, requesting information or assistance, submitting filings, or reviewing publicly available files. Persons are encouraged to obtain forms and information remotely by reviewing the committee's website, if applicable, or by calling the committee's telephone number. Persons are also encouraged to contact the office in advance to make arrangements for any in-person visit to the office.

44. Each committee is encouraged, but not required, to conduct in-person committee proceedings, in-person committee hearings, and other in-person committee meetings governed by Supreme Court Rules (collectively, "in-person committee proceedings").

45. Each committee is authorized to determine the extent and manner in which in-person committee proceedings are to be conducted and may determine that such proceedings are to be conducted instead by telephone or video conference. In Supreme Court committee-related proceedings, a single justice is authorized to determine the extent and manner in which in-person proceedings are to be conducted and may determine that such proceedings are to be conducted instead by telephone or video conference.

46. Each committee may determine, based upon staffing levels or other factors, that in-person proceedings be conducted at locations other than those at which they would normally occur. Any provisions in Supreme Court Rules concerning the location of holding in-person committee proceedings are hereby suspended during the effective period of this order.

47. Any Supreme Court Rule that impedes a committee's ability to utilize available technologies, in appropriate circumstances, to limit in-person contact is suspended during the effective period of this order. Without limiting the generality of the foregoing, any provisions in Supreme Court Rules requiring physical presence of committee members for quorum or voting purposes are suspended during the effective period of this order.

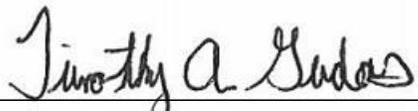
48. The Attorney Discipline Office ("ADO") will allow and accept the electronic submission and service of pleadings, as well as electronic signatures, in addition to conventional (paper) filings and conventional signatures. The ADO and each other committee should provide drop boxes, if available, for persons to file documents conventionally.

49. This order expressly does not prohibit committee proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect any committee's consideration of matters that can be resolved without in-person proceedings.

50. Filing and other deadlines are not extended, tolled or suspended by this order, but may be extended upon request in accordance with the committee's standard rules and procedures.

Issued: May 14, 2021

ATTEST:



Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

**STATE OF NEW HAMPSHIRE
SUPERIOR COURT**

ADMINISTRATIVE ORDER 2017-002 (3rd AMENDMENT)

Hearings Conducted by Video Conference

This order is meant to further the mission of the New Hampshire Judicial Branch by providing additional means of participation in Superior Court hearings thereby improving both access to, and efficiency of, the courts in an effort to enhance the administration of justice in New Hampshire.

- I. There shall be a presumption that, subject to the coordination of scheduling among the courts, the following matters will be conducted by video or telephonically:
 - a) Hearings on non-dispositive motions in all case types;
 - b) Pretrial or status conferences in all case types;
 - c) Plea and sentencing hearings in misdemeanor and violation level offenses where the state and defendant have entered into a plea agreement and the defendant is incarcerated, or where as a result of the plea, a non-incarcerated defendant will not serve time;
 - d) Hearings in any uncontested non-criminal matter;
 - e) Payment and other enforcement of judgment hearings.

- II. The following proceedings may be conducted by video or telephonically in the sole discretion of the court:
 - a) Hearings, including trials, on any non-criminal matter where either party is incarcerated;
 - b) Hearings, including trials, on any other matter allowed by law (See, for example, RSA 516:37 relative to video testimony by forensic scientists and analysts from the Department of Safety forensic laboratory and RSA 516:38 relative to the testimony of expert witnesses in motor vehicle violations);

- c) Criminal arraignments;
- d) Notwithstanding paragraph (c) above, when a defendant is housed out-of-county, the defendant shall not be transported for the following hearings, unless counsel request a transport order 72 hours before the hearing:
 - 1) Arraignments and bail hearings
 - 2) Dispositional Conferences
 - 3) Status Conferences
 - 4) Review Hearings

III. Nothing in this order is meant to prohibit the use of telephonic hearings in appropriate cases where video conferencing equipment is either unavailable or impractical to use.

Dated: May 14, 2021



Tina L. Nadeau
Chief Justice
Superior Court

**State of New Hampshire
Circuit Court**

Administrative Order 2021 - 05

Hearings Conducted by Telephone or Video Conference

This order is meant to further the mission of the New Hampshire Judicial Branch by providing additional means of participation in Circuit Court hearings thereby improving both access to, and efficiency of, the courts in an effort to enhance the administration of justice in New Hampshire.

- I. **Presumption of video hearings for incarcerated parties**: There shall be a presumption that, subject to the coordination of scheduling among the courts, the following matters will be conducted by video:
- a. Criminal arraignments where the defendant is incarcerated;
 - b. Hearings on non-dispositive motions in all case types where any party is incarcerated;
 - c. Pretrial or status conferences in all case types where any party is incarcerated;
 - d. Plea and sentencing hearings in misdemeanor and violation level offenses where the state and defendant have entered into a plea agreement and the defendant is incarcerated;
 - e. Hearings in any uncontested non-criminal matter where either party is incarcerated;
 - f. Payment and other enforcement of judgment hearings where either party is incarcerated;
 - g. Uncontested surrender of parental rights pursuant to RSA 170-B:9 where the surrendering parent is incarcerated;
 - h. Execution of consent to adoption where the parent consenting to the child's adoption is incarcerated;
 - i. Hearings on Petitions for Name Change where the petitioner is incarcerated;
 - j. Child support establishment, modification or enforcement hearings where either party is incarcerated; and
 - k. Any other case involving an incarcerated party, where court efficiency dictates the use of video.

II. **Presumption of telephonic or video hearings:** There shall be a presumption that the following matters will be conducted telephonically or by video, as determined by the court:

- a. Hearings on non-dispositive motions in all case types;
- b. Pretrial, review, status, scheduling, trial management hearings or conferences in all case types;
- c. Preliminary hearings in termination of parental rights cases;
- d. First Appearance sessions for Divorce/Parenting cases;
- e. Citation hearings in probate or family division cases; and
- f. Any other similar hearings, in the discretion of the court.

III. **Discretionary video hearings:** The following proceedings may be conducted by video, in the sole discretion of the court:

- a. Hearings, including trials, on any violation level offense where the defendant is incarcerated;
- b. Hearings, including trials, on any non-criminal matter where either party is incarcerated; and
- c. Hearings, including trials or witness testimony, on any other matter allowed by law.

IV. **Discretionary telephonic hearings:** Nothing in this Order is meant to prohibit the use of telephonic hearings in appropriate cases where video conferencing equipment is either unavailable or impractical to use.

May 14, 2021



David D. King
Administrative Judge
New Hampshire Circuit Court