



STATE OF NORTH DAKOTA COURTS

Emergency Order and Pandemic Response

The North Dakota Court System continues to closely monitor state and local responses to the Coronavirus (COVID-19) outbreak and is following guidance provided by federal, state and local public health agencies and the Centers for Disease Control and Prevention (CDC) to limit public gatherings. This page contains information about the emergency orders issued by the North Dakota Supreme Court and other changes in court operations related to the COVID-19 pandemic.

On March 16, 2020, the North Dakota Supreme Court issued an Emergency Order in response to the COVID-19 Pandemic for the purpose of protecting the health of litigants, judicial branch employees, and the public while maintaining judicial branch functions.

STATEMENT BY CHIEF JUSTICE JENSEN ON THE ROLE OF THE COURT DURING THE PANDEMIC

Courts play an important role in society and we are mindful that many individuals need resolution of issues pending before the court. Decisions related to divorce proceedings, contracts, the placement and protection of children and other vulnerable people, and the resolution of criminal charges are important and require continued operation of our judicial system. To the extent that we are able, we intend to continue processing these cases without unnecessary delay.

Although each individual judge has the discretion to conduct court proceedings as he or she sees fit, we are strongly encouraging them to consider allowing written submissions and electronic or telephone appearances in lieu of requiring litigants, attorneys and others to be personally present at hearings. Our courts will employ alternate means in a manner that recognizes each parties' constitutional and statutory rights to personal appearances.

EMERGENCY ORDERS ISSUED BY THE NORTH DAKOTA SUPREME COURT

[ADMINISTRATIVE ORDER 31](#) - Emergency Traffic Hearing Procedure

- Extends the deadline for holding a hearing from 90 days to 150 days
- Clarifies that hearings may be held using reliable electronic means

[ADMINISTRATIVE ORDER 30](#) - Emergency Permanency Hearing Procedure

- Allows permanency hearings to be held using reliable electronic means
- At the discretion of the court, allows for a 90-day extension period of a foster care or Division of Juvenile Services placement without a hearing

[ADMINISTRATIVE ORDER 29](#) - Emergency Procedure in Guardianship Proceedings

- Allows hearings to be held using reliable electronic means
- Allows evidence to be submitted by unsworn declaration
- Allows the 90-day limit on emergency guardianships to be extended by an additional 90 days, if requested and supported by a physician's or healthcare provider's certificate

[ADMINISTRATIVE ORDER 28](#) – Emergency Procedure in Interim Order

- Allows emergency and merit hearings to be conducted using reliable electronic means
- Allows evidence to be submitted by unsworn declaring or by reliable electronic means

[ADMINISTRATIVE ORDER 27](#) – Emergency Suspension of Eviction Proceedings

- Suspends eviction proceedings until further order, unless there is a showing of good cause to proceed on a specific case
- Allows testimony to be submitted by reliable electronic means
- Extends the deadline for a hearing from 15 days to 45 days from the date the summons is issued

[ADMINISTRATIVE ORDER 26](#) ([amended](#) April 15, 2020) – Emergency Bail and Plea Procedure

- Extends district court judge's jurisdiction to hold bond hearing and set bail on warrants issued outside the judicial officer's district, with the consent of the issuing county
- As amended on April 1, 2020, allows for a written plea petition and sentencing of a defendant facing any Class C Felony in lieu of a hearing

[ADMINISTRATIVE ORDER 25](#) ([amended](#) April 15, 2020) – Coronavirus Pandemic

- Declaration of Judicial Emergency in Response to the Coronavirus Pandemic issued by the North Dakota Supreme Court on March 16, 2020 and amended on March 17, 2020 and April 15, 2020
- Suspends all jury trials until after July 1, 2020
- Temporarily changes the way days are counted toward a speedy trial demand and for proceedings suspended under the emergency order
- Suspends all 5-year guardianship review hearings until June 1, 2020 and extends current guardianships until further order of the Supreme Court
- Extends detainers and extradition holds and requires a review hearing of the hold within 14 days after June 1, 2020
- Suspends all multi-person, in-person group meetings or hearings in specialty courts until July 1, 2020
- Encourages judicial officers to continue holding hearings through telephone or other electronic means, but to also grant continuances as requested by the parties except for certain mandatory hearings

JURY TRIALS

- **Criminal jury trials** - Effective immediately, all criminal jury trials are suspended until April 24, 2020 or until further order of the Supreme Court. If you have a trial scheduled during this timeframe, notice of the new trial date will be sent once the case has been rescheduled.
- **Civil jury trials** – Effective immediately, all civil jury trials are suspended until April 24, 2020 or until further order of the Supreme Court. If you have a trial scheduled during this timeframe, notice of the new trial date will be sent once the case has been rescheduled.

CRIMINAL CASE HEARINGS – If you are scheduled to appear in court for a misdemeanor or felony matter and are experiencing any acute respiratory illness symptoms (i.e. cough, shortness of breath), flu-like symptoms, have a fever, or are coughing or sneezing, please do not come to court.

- **Defendants who have an attorney** should contact their attorney for assistance.
- **Defendants who do not have an attorney** should contact the appropriate clerk of court office to discuss the possibility of appearing through the use of technology or rescheduling your hearing. Clerk of Court

phone numbers can be found here: <https://www.ndcourts.gov/court-locations>.

- **Witnesses** - If you are a witness in a case and are experiencing a health issue or circumstances related to the COVID-19 virus have made it difficult for you to appear in court, you should contact the person or agency that requested your participation to discuss your options.
- **Victims** - If you are a witness in a case and are experiencing a health issue or circumstances related to the COVID-19 virus have made it difficult for you to appear in court, please contact the victim-witness advocate within the state's attorney's office to discuss your options.

CIVIL/FAMILY/PROBATE - If you are scheduled to appear in court for a hearing on a civil, family or probate case and are experiencing any acute respiratory illness symptoms (i.e. cough, shortness of breath), flu-like symptoms, have a fever, or are coughing or sneezing, please do not come to court.

- Litigants who have an attorney should contact their attorney for assistance.
- Litigants who do not have an attorney should contact the appropriate clerk of court office to discuss the possibility of appearing at the hearing by telephone or other electronic means or having the hearing rescheduled. Clerk of Court phone numbers can be found here: <https://www.ndcourts.gov/court-locations>.
- **Witnesses** - If you are a witness in a case and are experiencing a health issue or circumstances related to the COVID-19 virus have made it difficult for you to appear in court, you should contact the person or agency that requested your participation to discuss your options.
- **5-year Review Hearings of Guardianship Cases** - All review hearings for adult guardianship cases have been suspended until after June 1, 2020. If you have a hearing scheduled during this timeframe, notice of the new hearing date will be sent once the case has been rescheduled.

JUVENILE - If you are a participant in a juvenile case and you are scheduled for a hearing and are experiencing any acute respiratory illness symptoms (i.e. cough, shortness of breath), flu-like symptoms, have a fever, or are coughing or sneezing, please do not come to court. Instead, contact the juvenile court that is handling the case to discuss whether you can appear in an alternative manner or have the hearing rescheduled. Contact information for the juvenile courts can be found here: <https://www.ndcourts.gov/other-courts/juvenile-court#services>

- **Participants who have an attorney** should contact their attorney for assistance.
- **Witnesses** - If you are a witness in a case and are experiencing a health issue or circumstances related to the COVID-19 virus have made it difficult for you to appear in court, you should contact the person or agency that requested your participation to discuss your options.
- To the extent possible and at the discretion of the juvenile court officer, personal visits with you and your family will be conducted by telephone or other means of communication.
- All in-person classes taught by juvenile court officers have been discontinued until further notice. At the discretion of the juvenile court director, classes may be taught using alternative electronic methods.
- If you have been court ordered to attend an educational or group session offered by a private provider, contact your assigned juvenile court officer for direction on postponing that requirement or fulfilling it in an alternative manner.

DRUG COURT AND DOMESTIC VIOLENCE COURT

- Drug court and domestic violence court will continue, but all in-person large group hearings have been canceled. Instead, the court team will submit written updates regarding the progress of participants. Individual hearings for participants may be required and group hearings may be held using electronic means.
- If you have been ordered to attend treatment or education, please contact your probation agent directly to ask about attendance requirements during the pandemic.

ADMINISTRATIVE TRAFFIC – The timeframe for holding traffic hearings has temporarily been extended from 90 days to 150 days. If you have requested a hearing on your payable traffic offense and are scheduled to appear in court but are experiencing any acute respiratory illness symptoms (i.e. cough, shortness of breath), flu-like symptoms, have a fever, or are coughing or sneezing, please do not come to court. Instead, contact the clerk of court where the case is filed to discuss the possibility of appearing for the hearing by telephone or other electronic means or rescheduling your appearance to a later date. Traffic citations can also be paid online at:

<https://www.ndcourts.gov/public-access/pay-fines>.

Public Access to Court Proceedings

To attend a hearing, please contact the clerk of court in the county where the case is filed. Contact information for the clerk of court can be found by typing the county name in the Search box on our website, or you can find a complete list in the Court Locations section of our website: <https://www.ndcourts.gov/court-locations>.

To Request Case Documents

To obtain a copy of a case document, please contact the clerk of court in the county where the case is filed, and provide the clerk with the case name, case number, the document name, and the document number. This information can be found by using the District Court Case Search function on our website: www.ndcourts.gov. During the pandemic, all copying fees will be waived. Documents will be emailed to the requestor as time permits. To ensure they have sufficient time to complete other duties, and to balance the needs of all constituents, staff may limit requestors to no more than 10 documents per day and may deny repeated requests from an individual for the same document.

Access to Court Calendars and Case Summaries

Court calendars and case summaries are available through our website at www.ndcourts.gov.

COURT-ORDERED MEDIATION

Scheduled mediations will be held by telephone or other electronic means unless they are continued by agreement of the parties or at the discretion of the mediator. Please contact your assigned mediator directly to discuss available options.

EXPEDITED PARENTING TIME MEDIATION

Scheduled mediations will be held within 7 days of the request for mediation by telephone or other electronic means. In the event you are unable to participate in the mediation due to illness or an unexpected event, please contact your assigned mediator directly to discuss available options.

SELP-HELP CENTER and LAW LIBRARY

The self-help center and law library are closed to walk-in traffic until further notice. Telephone assistance at (701) 328-1852 will continue to be available Monday through Friday, 8:00 a.m. to 5:00 p.m. or by email at: ndselfhelp@ndcourts.gov and through the Court's website at: <https://www.ndcourts.gov/legal-self-help>.

SUPREME COURT COMMITTEE MEETINGS

Until further notice, participation in committee meetings will be by telephone or other electronic means. Members of the committees will receive an Outlook invitation from staff for the committee that will include the information needed to join the meeting.

ONCE JURY SERVICE RESUMES – If you are summoned for jury service and are experiencing any signs of illness, please do not report for jury service. Instead, contact the clerk of court to discuss rescheduling your jury service. Clerk of Court phone numbers can be found by typing the county name in the Search bar on any page on the court's website or by clicking on this link: <https://www.ndcourts.gov/court-locations> and selecting the county where you have been summoned for jury service.

ADMINISTRATIVE ORDERS AND GUIDANCE ISSUED BY THE PRESIDING JUDGE OF THE JUDICIAL DISTRICT

North Dakota is divided into eight judicial districts. A presiding judge is elected by his or her peers to serve as the chief administrative judge of the judicial district. Under this authority, some presiding judges have issued administrative orders or other written guidance for the operation of their judicial district during the COVID-19 pandemic.

[ECJD Administrative Order](#) Dated March 17, 2020

- Suspends restrictions on Sheriff's community supervision program
- Suspends the 24/7 drug patch program, encourages the use of SCRAM bracelets for the 24/7 alcohol program, and suspends new applicants into the 24/7 program as a condition of pretrial release

[ECJD Memo on Rescheduling](#) Dated April 1, 2020

- Implementation plan for transition back to regular court schedules