

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO

RE: PROVIDING FOR THE)	
DEVELOPMENT OF AN)	
EMERGENCY/DISASTER PLAN AND)	
PROVIDING FOR THE EMERGENCY)	2009-02
CLOSURE OF THE COURT)	AMENDED
OPERATIONS IN THE FIFTH JUDICIAL)	ADMINISTRATIVE ORDER
DISTRICT (I.C.A.R. 48))	
COURT OPERATIONS IN THE FIFTH)	
)	

This Order supplants Fifth District Administrative Order 06-01 entered March 9, 2006.

WHEREAS, I.C.A.R. 48 Entitled: **Emergency Closure of Court Operations – Record of Closure – Disaster Emergency Plan**, provides in essence for the closure of court facilities in the event of emergency(s) and/or threat(s), and public health declarations which cause an immediate risk of harm to court facilities, clerk's offices and/or certain personnel;

THEREFORE, In accordance with this rule, the Administrative District Judge of the Fifth Judicial District hereby orders the following:

1. Development of an Emergency Closure/Disaster Plan.

The Trial Court Administrator is hereby directed to meet with the Elected Clerk, Sheriff and County Commissioners of each county in the Fifth Judicial District to complete the Emergency Closure/Disaster Plan attached hereto as Exhibit 1. This plan necessarily must be tailored to the

specifics of each county. This plan is to be completed pursuant to I.C.A.R. 48 (c).

2. Designation of authority to law enforcement in the event of a disaster or emergency incident.

A disaster or emergency incident is defined to be an imminent or occurring event creating a grave risk of harm to all, or a portion of the physical court facility and/or the people located in any court facility or clerk's offices, including, but not limited to:

- a. Bomb and/or other weapon threat
- b. Hostage situation
- c. Riot
- d. Fire
- e. Explosion
- f. Hazardous material
- g. Flood, tornado, or other like extreme weather phenomenon.
- h. Public health declarations.
- i. Etc.

Any such condition will be referred immediately to the local county sheriff as the county's chief law enforcement. The sheriff will have the authority to close the court facility and the clerk's office if he/she deems it necessary or prudent under the circumstances. The sheriff will immediately notify the Administrative District Judge and the Trial Court Administrator of the district which will in turn notify the Supreme Court. The clerk of the affected court will record the time and date of closure by the sheriff and forward it to the Supreme Court. The sheriff and Administrative District Judge or Trial Court Administrator will continue to confer until the conditions creating the emergency have passed.

3. Resumption of court operations once the threat has passed.

Pursuant to I.C.A.R. 48 (a), when the conditions creating the threatened or actual emergency have passed, the Administrative District Judge or designee shall provide for the immediate resumption of court business by the most expeditious and practical means possible, which may include alternate operational hours or moving court operations to alternate facilities, if necessary. This determination obviously cannot be done in advance and must necessarily be completed in accordance with the circumstances existing at the time.

4. District Court Clerk to maintain records.

In accordance with I.C.A.R. 48 (b), the District Court Clerk shall maintain a record

of the date and time of any emergency closure of the clerk's office and the date and time of its reopening. This record and a copy of the order closing court offices and operations shall be forwarded to the Supreme Court.

5. Non-emergencies or other closures

Any non-emergency or other requests for closure shall be at the discretion of the Administrative District Judge or designee. Such closures include, but are not limited to:

- a. Weather (when not an extreme weather phenomenon creating a threat to the physical facility or the people in it).
- b. Building problems
- c. Symbolic closures – i.e. funeral
- d. Etc.

If the Administrative District Judge orders the courts to be closed for any such non-emergency, the Supreme Court will be notified and the clerk will record the time and date of closure and forward it to the Supreme Court.

DATED this 30 day of April, 2009.



BARRY WOOD
Administrative District Judge

- c: All Judges
All County Commissioners
All Clerks of the District Court
All Sheriffs

FIFTH JUDICIAL DISTRICT
ICAR 48 EMERGENCY CLOSURE AND DISASTER PLAN
FOR THE DISTRICT COURT IN _____ COUNTY
March 2006

I. BEFORE THE EMERGENCY

A. Employee Contact Information. The Clerk/Auditor shall create and maintain current court employee contact information which will include home and mobile phone numbers, home email address, street address, and the name and phone number of a family member or friend as an emergency contact person. Copies of the contact information should also be provided to the Chief Deputy for court operations, the Trial Court Administrator, and to any other officers or employees deemed appropriate. The Clerk/Auditor and Chief Deputy for court operations should keep a current copy of this information at their homes, to facilitate employee contact in the event of an emergency outside of normal business hours.

B. Computer Back-ups. The location for off-site storage of regularly updated computer back-ups of court data and the name and telephone number of the contact persons with access to the storage is as follows:

Location:

Contact Persons:

C. Necessary Forms. The location for off-site storage of current forms that would be necessary to resume court operations in a non-computerized environment and the name and telephone number of the contact persons with access to the storage site is as follows:

Location:

Contact Persons:

D. Evacuation Plan. The District Court shall be evacuated as needs be, in conformity with the Emergency Plan For _____ County.

E. Public Information Current information relating to an emergency closure and/or the subsequent reopening of the courthouse will be broadcast on the following radio stations and television station.

F. Alternate Location. If the courthouse were to be closed due to an emergency, court operations could be conducted on a limited basis at:

G. Other. (To be completed by the Trial Court Administrator with the respective county officials).

II. DURING THE EMERGENCY

A. Immediate Referral to County Sheriff. Any such condition will be immediately referred to the local county sheriff as the county's chief law enforcement. The sheriff will have the authority to close the court facility and the clerk's office if he/she deems it necessary. The sheriff will immediately notify the Administrative District Judge and the Trial Court Administrator of the district which will in turn notify the Supreme Court.

B. Emergency During Working Hours. If time permits, an order to close the court and its offices shall be obtained from the administrative district judge or designee judge before shutting down court operations. If the threatened risk is imminent however, court operations will be suspended immediately and all persons shall be evacuated from the building according to the _____ County evacuation plan, and the Administrative District Judge or designee will be contacted as soon as possible after the evacuation. The District Court Clerk will maintain a record of the date and time of any emergency closure of the court and will promptly forward a copy of that record to the Idaho Supreme Court, the Administrative District Judge, to the Trial Court Administrator, and to the broadcast media listed above.

C. Emergency Outside of Working Hours. If the emergency that makes the court facilities unsafe, inaccessible or otherwise unusable occurs after ordinary business hours, and if time permits, the Administrative District Judge or designee should be contacted to order the closure of the Court prior to contacting employees or the broadcast media. Otherwise, all court employees should be immediately notified not to come into work and the public notified through the broadcast media of the court's closure. The District Court Clerk will maintain a record of the date and time of the closing of the court, and will promptly forward a copy of that record to the Idaho Supreme Court, the Administrative District Judge, and to the Trial Court Administrator. The Clerk shall also be responsible for contacting the Administrative District Judge and obtaining a written order of emergency closure at the earliest practicable opportunity. Finally, the Clerk shall notify the broadcast media of the closing.

D. Other. (To be completed by the Trial Court Administrator with the respective county officials).

III. AFTER THE EMERGENCY

A. Restoring Operations where Courtrooms and Offices are Accessible. When the emergency or threatened emergency has passed and court facilities are once again available, the District Court Clerk will record of the date and time of the reopening of the court and will forward a copy of that record to the Idaho Supreme Court, the Administrative District Judge, and to the Trial Court Administrator as soon as possible, along with the Order of Emergency Closure. The Clerk will also notify the broadcast media.

B. Restoring Operations Where Courtrooms and Offices are Inaccessible. When the emergency or threatened emergency has passed and it has been determined that the existing court facilities are unsafe or otherwise unavailable, and court employees and the public have been notified, the Clerk of the Court and the Trial Court Administrator shall promptly begin restoring operations at one or more of the previously determined alternative sites, until such time as the regular court facilities again become available. The District Court Clerk will maintain a record of the date and time of the reopening of the court at the alternative location and will forward a copy of that record to the Idaho Supreme Court, the Administrative District Judge, and to the Trial Court Administrator as soon as possible, along with the Order of Emergency Closure. The Clerk will also inform the broadcast media of the reopening at the alternative location.

C. Other. (To be completed by the Trial Court Administrator with the respective county officials).

IV. Regular Clerk's Office Hours:

Idaho Rule of Civil Procedure 77(c) Clerk's Office and Orders by Clerk. The office of the clerk of the district court with the clerk or a deputy in attendance shall be open for the transaction of business on such days and during such hours as the administrative district judge of the judicial district in which the county is located may prescribe. All motions and applications in the clerk's office for issuing process, for entering defaults or judgments by default, and for other proceedings which do not require allowance or order of the court are grantable of course by the clerk; but his action may be suspended or altered or rescinded by the court upon cause shown.

V. Idaho Court Administrative Rule 48. Emergency Closure of Court Operations - Record of Closure - Disaster Emergency Plan.

- (a) When an emergency or threatened emergency causes or threatens the destruction or partial destruction of court facilities, including the offices of the district court clerk, or interrupts the performance of court operations or poses a threat to the safety of court personnel, including personnel of the district court clerk's office, the administrative judge, or his or her designee if the administrative judge is unavailable, may order the closure of the district

court and related offices, including the district clerk's office, until the safe operations of the court and its offices can be restored. Whenever a threat poses an immediate risk of harm to court personnel or members of the public, court operations shall be suspended and court facilities and personnel shall immediately be evacuated pending further directive of the administrative judge or designee. The administrative judge or designee shall promptly notify the Supreme Court of any emergency closure. When the conditions creating the emergency have passed, the administrative judge or designee shall provide for the immediate resumption of court business by the most expeditious and practical means possible, which may include alternate operational hours or moving court operations to alternate facilities, if necessary.

- (b) The district court clerk shall maintain a record of the date and time of any emergency closure of the clerk's office and the date and time of its reopening. This record and a copy of the order closing court offices and operations shall be forwarded to the Supreme Court.
- (c) The administrative judge shall designate a person in each county to prepare and maintain a current written disaster emergency plan relating to district court operations which shall include a coordinated response with the board of county commissioners and other local officials for the prompt restoration of judicial services after an emergency closure of court operations. The written disaster emergency plan relating to district court operations shall be approved by the administrative judge prior to its final adoption.

(Adopted March 9, 2006, effective March 9, 2006.)