

## COVID-19 FAQs

The Supreme Judicial Court and Trial Courts have issued multiple orders and announcements regarding court operations while COVID-19 poses a serious threat to public health. All Court Orders are listed on the Maine Judicial Branch [website](#). Please visit that site to review the specifics of the orders and the most up-to-date information.

For guidance on Court proceedings while the current public health pandemic remains in effect, please review the following FAQs. These FAQs **will be updated** as the situation evolves and new questions arise.

### COURTHOUSE OPERATIONS

#### **1. Who should go to the courthouse?**

You should go to a courthouse only if you are required to be there, or if you are seeking protection from abuse or harassment.

Persons identified as being infected by COVID-19, having had contact with those infected by COVID-19, or having visited areas for which travel health notices have been issued by the United States Center for Disease Control and Prevention should not come to Maine's courthouses.

**If you have questions about whether you should go to a courthouse, please call 207-753-2999.** For general inquiries concerning the Judicial Branch's response to the COVID-19 outbreak, contact [info@courts.maine.gov](mailto:info@courts.maine.gov).

#### **2. Where can I find courthouse hours of operation?**

Courthouse operations have been reduced throughout the state to help limit community transmission of COVID-19. The current order (PMO-SJC-1) extends most deadlines through May 1, 2020 and deadlines for jury trials through May 29, 2020. The Judicial Branch continues to assess the need for reduced hours and will adjust court schedules as the pandemic continues. See a full list of all court hours [here](#).

#### **3. What safety precautions are being taken at the courthouses to keep the public safe?**

During this public health emergency, the Judicial Branch is focused on keeping employees and those members of the public who come to the court healthy and safe. Safety measures have been implemented to reduce the number of people in our facilities.

- While the courts remain open, only those most urgent cases involving life or liberty interests are being scheduled and heard.
- Heightened cleaning practices have been implemented at all facilities.
- Video capability for some hearings has been introduced.

- Filing by email is permitted for certain documents in cases that are being scheduled and heard during the judicial emergency.
- Maximum occupancy guidelines are being enforced, limiting the number of people that may be allowed in a courtroom at any one time to 10 (not including court personnel).
- Social distancing measures are in place, requiring all members of the public to stay at least 6 feet apart at all times in the courthouse.
- Signage on courthouse doors explains that people who may present a heightened risk of exposure will be prohibited from entering the courthouses. Those persons include any who:
  - Have recently traveled from an area for which travel health notices have been issued by the United States Center for Disease Control and Prevention;
  - Reside or have had close contact with someone who has recently traveled from an area for which travel health notices have been issued by the United States Center for Disease Control and Prevention;
  - Have been asked to self-quarantine by any hospital, health care provider, or health agency;
  - Have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19; or
  - Are experiencing any acute respiratory illness symptoms (i.e., cough, shortness of breath), flu-like symptoms, have a fever, or are coughing or sneezing.
- Protocols have been developed to protect employees and the public in the event of COVID-19 exposure at a courthouse.

## CASE PROCEEDINGS

### **1. What case types have been cancelled or postponed?**

Court Order PMO-SJC-1 provides that, effective immediately, and continuing through May 1, 2020, unless otherwise ordered by a court, the following case types and proceedings will NOT be scheduled or heard:

- FED (eviction, landlord/tenant)
- Disclosures
- Foreclosures
- Small Claims
- Medical Malpractice proceedings including Panel Hearings
- Family matters
- Contested adoptions
- Juvenile matters (unless the juvenile is being detained)
- Criminal matters (except as related to the incarceration of a defendant)
- Other nonjury civil matters including civil violations
- Actions to recover personal property
- Violations Bureau hearings (traffic tickets)

### **2. What case types are being scheduled and heard by the court?**

Absent any extraordinary and urgent circumstances, the courts WILL schedule and hear only the following:

- Arraignments and first appearances of defendants held in custody
- Motions for review of bail of defendants held in custody
- Juvenile detention hearings
- Protection from Abuse requests and hearings
- Protection from Harassment requests and hearings
- Child Protection petitions and proceedings
  - Proceedings are limited to Summary Preliminary Hearings, Jeopardy Hearings, Judicial Reviews, and Case Management Conferences.
- Mental health requests and hearings
- Emergency guardianships
- Uncontested adoptions
- Petitions for Review concerning Control of Notifiable Diseases (22 M.R.S. §820)

See Court Order PMO-SJC-1 for more information.

### **3. What if I have an emergency and need a judge to hear my case and issue an order?**

If you have an emergency in any case, you may file a motion clearly listing urgent and compelling reasons for the case to be heard before May 1, 2020. This motion must be served on the opposing party or parties. Any party objecting to the motion, must file a written opposition within three days after the motion is filed. See Court Order PMO-SJC-1 for more details.

### **4. What do I do if my case has been postponed or cancelled?**

Cases that have been postponed or cancelled under Court Order PMO-SJC-1 will be rescheduled at a later date. You will be notified by the court when the case has been rescheduled.

### **5. Is the Supreme Court hearing oral arguments?**

No. All oral arguments scheduled before the Supreme Judicial Court are cancelled until further notice. Appeals scheduled to be argued in April 2020 will be decided on the briefs. See Court Order PMO-SJC-1.

### **6. What will happen with non-courtroom related activities, such as mediations, depositions, and other discovery (and deadlines associated therewith)?**

Under Court Order PMO-SJC-2(C), 49 calendar days will be added to any unexpired deadline established by court order or court rules.

**This extension DOES NOT apply to those case types that are still being heard by the court including:**

- Unified Criminal Docket matters related to the bail or release of an incarcerated defendant

- Juvenile proceedings
- Protection from Abuse
- Protection from Harassment
- Child Protection
- Involuntary mental health commitment and treatment

**7. Is the 49-day extension intended to apply to deadlines to respond to filings and discovery papers filed and served after the date of Emergency Order No. 1 (March 17th)?**

Yes. The 49-day extension provided by Emergency Order No. 1 and Court Order PMO-SJC-2(C) applies to deadlines that are set to occur after March 17, 2020.

**8. Will the Court consider extending Statutes of Limitations and other statutorily-imposed deadlines (such as Notices of Claim under the Liquor Liability Act and Maine Tort Claims Act)?**

No. Court Order PMO-SJC-2(C) does not extend any statutory requirements or deadlines, including but not limited to, statutes of limitations and statutory deadlines for appeals of governmental actions and decisions.

**VIDEO REMOTE PROCEEDINGS**

**1. Do the courts have plans to conduct hearings remotely, either telephonically or via video, if social distancing continues?**

Requests for conferences or hearings to be conducted by telephone or video may be permitted in certain case types that are being scheduled or heard by the court. See PMO-SJC-3. Currently video proceedings are taking place in some courthouses but are not yet available statewide. The Judicial Branch is working to increase the capacity for video proceedings.

**2. What is general protocol for video conferences with a court? What does the court expect generally? If it's a hearing, do I stand when I address the court? Can I appear in sweats?**

Maine Supreme Court Order PMO-SJC-3 lists the case types for which telephone or video proceedings may be permitted. Parties may file a motion to request that a conference or hearing be conducted by telephone or video. Regular courtroom decorum shall apply in all conferences and hearings.

**3. How is the oath administered to a witness if a deposition is taken remotely, using audio and/or video technology?**

Under Court Order PMO-SJC-2, the person before whom the deposition is taken is authorized, under temporary rules, to administer oaths and take testimony remotely, so long as that person can both see and hear the deponent via audio-video communication equipment or technology for purposes of positively identifying the deponent.

#### **4. Is the court planning to expand telephone and video hearings?**

As mentioned above, the court is exploring the feasibility of a number of modified court procedures. Any changes to existing procedures will be announced on the court's website. The latest Pandemic Management Orders can be accessed on the court's [website](#).

### **CHILD PROTECTION MATTERS**

#### **1. How will child protection matters be handled?**

Child protection hearings, including summary preliminary hearings, judicial review hearings, and jeopardy hearings, are being scheduled and heard by the courts. Hearings will be held in person or by video, as determined by the court. In addition, with approval of the court, some witnesses may be heard by video or audio (telephone). See PMO-SJC-3 and PMO-TC-1 for more details.

### **FAMILY MATTERS**

#### **1. How will family matters, including issues involving child support and visitation, be handled?**

Under Court Order PMO-SJC-1, all non-emergency family matters are postponed until after May 1. However, a party may file a motion setting forth urgent and compelling reasons for a matter to be heard before May 1. Such a motion must be served on the opposing party. More details on “urgent motions” may be found in PMO-SJC-1.

#### **2. Is travel that is required in order to comply with a court order of parent-child contact allowed under the Governor’s Stay Healthy at Home Directive?**

Paragraph 6 of the Governor’s Stay Healthy at Home Directive provides that “essential personal activities” include “[t]ravel required by a law enforcement officer or **court order**.” (Emphasis added.) The Governor’s directive may be found here.

Currently, there is no guidance that would prohibit parents from traveling to comply with a court order of parent-child contact.

#### **3. Can parents withhold a child from another parent in violation of an existing order of parental rights and responsibilities?**

The Emergency Court Orders in effect have not suspended court orders regarding parent child contact. Parents with this type of inquiry may want to seek legal advice. For \$25, the Maine

Lawyer Referral Service will connect you with an attorney in your area to do a 30-minute consultation. For more information, please visit: <https://mainebar.community.lawyer/>

#### **4. How will interviews with children and families by Guardians ad litem be handled?**

Any contact or interviews required or permitted in court proceeding or process related to Titles 18-C, 19-A, 22, or any other similar statute, shall be interpreted to include contact by video or telephone.

#### **5. Can mediations in family matters cases be conducted remotely?**

The courts are not scheduling any mediations right now.

#### **6. Can I get certified copies of my court order during this time?**

Yes, a party may obtain copies of a court order by calling the clerk's office. The clerk's office can take payment over the phone and send the copies by mail. A directory of the phone numbers for clerk offices can be found here.

#### **7. What other resources are available?**

- If you are a victim of violence, abuse, or harassment and believe you are in immediate danger, call 9-1-1.
- If you are worried for yourself or for someone else, please consider contacting the following resources:
  - Statewide Domestic Abuse Helpline: 1-866-834-HELP (free and confidential). Hearing impaired line: 1-800-437-1220.
  - Statewide Sexual Assault Helpline: 1-800-871-7741 (free and confidential)
  - Each of these resources will connect you with an advocate in your community.
- Maine Lawyer Referral Service (\$25 for a 30-minute consultation): <https://mainebar.community.lawyer/>
- Volunteer Lawyers Project: to ask a family law question, go to <https://maine.freelegalanswers.org>

### **PROTECTION FROM ABUSE AND HARASSMENT ORDERS**

#### **1. What do I do if I need to seek protection from abuse or harassment?**

To help limit community transmission of COVID-19, Maine Judicial Branch courthouse hours have been reduced statewide, but courts are **continuing to hear requests for temporary and final protection from abuse or protection from harassment orders**. You can still request a protection from abuse or protection from harassment order.

### **If you are seeking a protection order:**

Download the protection from abuse packet or protection from harassment complaint packet [here](#). You may fill it out online, save to your computer, and print, or print the form and then handwrite the necessary information. Check the court website [here](#) or call the clerk's office of the district court for the town where you live to confirm when the courthouse will be open and able to take your filing.

### **2. How can I file for protection from abuse or harassment if I cannot enter the courthouse due to health risks?**

If you go to the courthouse seeking a protection order but cannot enter due to health risks, the marshals will provide the paper packet to you and will accept it upon completion. Instead of signing your documents in front of the clerk for notarization, you will need to provide a safe phone number and the court will call you from the courtroom and take your oath on the record.

### **3. Do I need to go to a courthouse to file for protection from abuse or harassment?**

If you do not want to go to the courthouse, you can mail your completed Protection from Abuse or Protection from Harassment packet to the court. Please note that your signature will have to be notarized before you send in your complaint. That means that, if you do not go to the courthouse to file your case, you will need to sign some of the forms in the packet in front of a notary before mailing the packet to the court.

**WARNING:** Please note that although you can mail your protection from abuse packet or protection from harassment packet to the court, if you do not go to the court in person to file the packet, you will need to provide a safe phone number on your complaint so that the court can call you in case the court has questions. If you do not answer your phone, your request for a temporary protection from abuse order may be denied without your having a chance to speak to a judge.

Please keep in mind that, although someone seeking a protection from abuse or harassment order must still file a **paper** packet (either in person at the court or by mail as noted above), parties may file the **types of** motions (requests) listed below **by email** using the instructions on the court's website:

- Motion to dissolve temporary order;
- Motion to amend or terminate an order of protection;
- Motion to extend an order of protection;
- Motion to continue; or
- Motion for hearing to be held by video or phone.

### **4. What do I do if I do not have access to a computer?**

If you do not have access to a computer, the forms are available at each district court. Call the district court clerk's office for the town where you live to make sure that the courthouse is open before you come and, if you are seeking a temporary order, find out when your request can be heard by a judge.

## **5. Can I get help completing the forms?**

If you need help completing the court forms, please call the domestic violence or sexual assault agency in your region. For a complete list of each agency by region, please call the statewide domestic abuse helpline or the statewide sexual assault helpline to be connected to a local advocate (see numbers below).

## **6. Do I have to go to the courthouse if I reach agreement with the other party?**

If the parties reach an agreement in the protection from abuse or harassment case, either party can request that the court conduct an uncontested hearing by telephone or video to place the agreement on the record so that the parties do not have to go to the courthouse in person.

**WARNING:** If the court has issued a temporary order of protection, the defendant cannot have contact with the plaintiff to negotiate an agreement. If parties need assistance in attempting to reach an agreement, the parties should hire attorneys or the plaintiff should contact a domestic violence or sexual assault advocate (see statewide helpline numbers below).

## **7. What other resources are available?**

- If you are a victim of violence, abuse, or harassment and believe you are in immediate danger, call 9-1-1.
- If you are worried for yourself or for someone else, please consider contacting the following resources:
  - Statewide Domestic Abuse Helpline: 1-866-834-HELP (free and confidential). Hearing impaired line: 1-800-437-1220.
  - Statewide Sexual Assault Helpline: 1-800-871-7741 (free and confidential)

Each of these resources will connect you with an advocate in your community.

- Maine Lawyer Referral Service (\$25 for a 30-minute consultation):  
<https://mainebar.community.lawyer/>

## **COURT FILINGS**

### **1. Are court filings still being accepted?**

Yes. Courts are open for limited hours and accepting filings in **all** case types. Please check the website [here](#) for updated information regarding court hours.

### **2. Will I need to go to a courthouse to file motions or other court documents?**

No. Filings may be mailed to the courthouse just as they have always been. Email filings will be accepted in some very limited circumstances, as permitted by PMO-SJC-2 and PMO-SJC-3.

### **3. Can I email documents to the court?**

Email filing of court documents is permitted for some very limited case types.

Supreme Judicial Court Order PMO-SJC-2 permits filing by email of all motions requesting the incarceration or the release of a criminal defendant.

Additionally, Supreme Court Order PMO-SJC-3 permits filing by email of some petitions, applications, complaints, motions, and reports in certain other case types that are currently being scheduled or heard by the Court. See PMO-SJC-3 for more details.

### **4. What procedure should I follow when emailing filings to the court?**

Court Order PMO-3 sets out the procedure for emailing filings when permitted.

All documents that are permitted to be filed by email must be sent to the Clerk, Monday through Friday, between 8 a.m. and 3 p.m. at the email address provided by the Clerk and to opposing counsel, or if unrepresented by counsel, to the opposing party.

All emailed filings must comply with the rules of civil procedure and applicable statutory requirements and deadlines and must include the following language in order to comply with M.R. Civ. P. 11(a): “I certify that there are good grounds to support this pleading, that it complies with PMO-SJC-3, and that it is not being filed to cause any delay.” This language must be followed by an “s/” signature line containing the printed name of the filing party/attorney.

## **JURY TRIALS**

### **1. I received a notice for jury duty in April. Do I need to report?**

No. Under Court Order PMO-SJC-1, all jury matters, civil and criminal, including grand jury proceedings, are postponed until after May 29, 2020.

If you are a litigant and your jury trial was scheduled between March 16 and May 29, 2020, your trial will be rescheduled, and you will receive notice of the new trial date in the future when jury trials resume.

## **PAYMENT OF COURT FINES AND FEES**

### **1. What does it mean that financial warrants have been vacated? Does it mean that I don't have to pay my fine?**

By Order of the Trial Chiefs PMO-TC-1 any outstanding warrants for unpaid fines, unpaid restitution, unpaid court-appointed counsel fees, failure to appear for unpaid fine hearings, and

any other failure to appear and pay other fees are vacated. **Please understand, however, that these amounts remain due and payable.** New warrants may issue at a later date if the amounts remain unpaid.

**2. Has an extension been granted for the payment of court fines?**

Yes. The due dates for payment of all fines, restitution, court fees, and reimbursement of court-appointed counsel fees has been extended to May 4, 2020, or to the ordered due date in May 2020, whichever is later. See Court Order PMO-TC-1

**3. Have deadlines been extended for traffic infractions?**

Yes. All deadlines established pursuant to M.R.Civ. P. 80F (traffic infractions), and set to expire on or before May 1, 2020, have been extended to May 29, 2020. See Court Order PMO-TC-1.