In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO COURT ADMINISTRATIVE RULE (I.C.A.R.) 48	)	**ORDER AMENDING RULE**

The Court having reviewed the recommendation of the Administrative Conference to amend Idaho Court Administrative Rule 48,

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Court Administrative Rule 48, be, and the same is hereby, amended as follows:

Rule 48. EMERGENCY CLOSURE OF COURT OPERATIONS – RECORD OF CLOSURE – DISASTER EMERGENCY PLANS.

(a) ~~When~~ In the event of 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 Director of the Courts or his or her designee, or where practicable, after consultation with the Administrative Director of the Courts or his or her designee, the administrative judge, or his or her designee if the administrative judge is unavailable, may order the closure of ~~the~~ a district court and related offices, including the district court 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. If the closure order is issued by ~~T~~the administrative judge or his or her designee, the person issuing the order shall promptly notify the Supreme Court of ~~any~~ the emergency closure. When the conditions creating the emergency have passed, the administrative judge or designee, in cooperation with the Administrative Office of the Courts, 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) "Emergency or threatened emergency" includes, but is not limited to, any occurrence or threatened occurrence, whether natural, man-made, or technological, that causes or threatens to cause:

(1) the destruction of court facilities, including the offices of the district court clerk, or substantial damage to such facilities;

(2) an interruption in the performance of court operations; or

(3) harm to the safety or health of court personnel, including personnel of the district court clerk's office, or other persons using court facilities.

A technological occurrence constituting an emergency includes any failure or disruption of the court management system or other court technology that causes or threatens to cause an interruption in the performance of court operations.

(c) 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.

(d) In the event the last day for filing any document, holding any hearing, or doing any other thing or matter in any court falls on a day when the court and district court clerk's office are closed under the provisions of this rule for any period of time, the time for filing, hearing or doing any other thing or matter shall be extended until the end of the next business day on which the court and district court clerk's office are open.

(ee) 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.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective the 1st day of December, 2016.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Court Administrative Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate.*

DATED this 14th day of November, 2016.

By Order of the Supreme Court

Jim Jones,
Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 11.17.16

Stephen Kenyon
Clerk

By: Dina D. Thomas Deputy