

MAR 30 2020

DAVID H. YAMASAKI, Clerk of the Court


R. BRACKEN, DEPUTY CLERK

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – JUVENILE COURT

IN RE COVID-19 COURT CLOSURE

**General Order No. 5: Re: Juvenile
Court Closure
(Supersedes General Order No. 4)**

A. Superseding Order:

1. Juvenile Court General Order No. 4 is hereby vacated. General Order No. 5 supersedes General Order No. 4.
2. General Order No. 5 is based upon the following changed circumstances:
 - a. On March 20, 2020, the Chief Justice of California and Chair of the Judicial Council of California issued the “Second Advisory on Emergency and Emergency Relief Measures”; and
 - b. On March 26, 2020, the Chief Justice of California and Chair of the Judicial Council of California found the “conditions described in section 68115(a) continue to exist (Gov. Code § 68115(b)), and “any dates from March 30, 2020, to April 24, 2020, inclusive, be deemed holidays for purposes of computing the time for filing papers with the court under Code of Civil Procedure sections 12 and 12a. (Gov. Code, § 68115(a)(4).)”

1 **B. Order Pursuant to Government Code, section 68115:**

- 2 1. Pursuant to Government Code section 68115, on March 26, 2020, the Chief
3 Justice of California and Chair of the Judicial Council of California, found:
4 “Because of the COVID-19 pandemic, leading to health and safety concerns
5 resulting in substantial operational impediments, and the proclamations of a
6 states of emergency by federal, state, and local officials, it was determined
7 that the conditions described in Government Code section 68115(a) were met
8 with regard to the Superior Court of Orange County (Court) as of March 16,
9 2020.” (Hereinafter: March 26, 2020, Section 68115 Order.) The Chief
10 Justice further “determined that the conditions described in section 68115(a)
11 continue to exist.” (March 26, 2020, Section 68115 Order.)
- 12 2. On March 27, 2020, the Presiding Judge of the Superior Court of Orange
13 County issued a Second Implementation Order Re Emergency Order (Gov.
14 Code, §68115), implementing the March 26, 2020, Section 68115 Order.
- 15 3. The March 26, 2020, Section 68115 Order provides, *inter alia*: “Declare that
16 any dates from March 30, 2020, to April 24, 2020, inclusive, be deemed
17 holidays for purposes of computing the time under...Welfare and Institutions
18 Code section[s] 313 (time to release minor taken into custody pending
19 dependency proceedings),...315 (time to hold detention hearing for minor
20 taken into custody pending dependency proceedings),...334 (time to hold
21 hearing on dependency petition);...631 (time to release minor taken into
22 custody pending wardship proceedings); ...632 (time to hold detention hearing
23 for minor taken into custody pending wardship proceedings);...637 (time to
24 hold detention rehearing in wardship proceedings if parent/guardian files
25 affidavit asserting lack of notice of hearing or minor requests evidence of
26 prima facie case); and...657 (time to hear wardship petition).” (Gov. Code §
27 68115(1)(5).)
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- 4. The March 26, 2020, Section 68115 Order further extends the time periods provided in Welfare and Institutions Code sections 334 and 657, within which a hearing on a juvenile dependency petition or hearing on a wardship petition (when involving a felony offense) “must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 30, 2020 through April 24, 2020, inclusive.” (Gov. Code, § 68115(a)(12).)
- 5. The March 26, 2020, Section 68115 Order extends the time periods provided in Welfare and Institutions Code sections 313, 315, 632 and 637, in which a minor in a dependency or delinquency hearing (when charged with a felony offense) must be released and a detention hearing conducted “to not more than 7 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 30, 2020, to April 24, 2020, inclusive.” (Gov. Code, § 68115(a)(11).)

C. Purpose of General Order No. 5:

- 1. The purpose of this general order is to advise interested parties, counsel and the general public of the conduct of the business of the Orange County Juvenile Court during the period March 30, 2020 through April 24, 2020, pursuant to the March 26, 2020, Section 68115 Order.
- 2. In the event that a further order is issued by the Judicial Council, pursuant to Government Code section 68115, the Orange County Juvenile Court will issue additional general orders.

D. Dependency Proceedings:

- 1. Pursuant to the March 26, 2020, Section 68115 Order, good cause exists and the Court orders all dependency matters currently calendared to be heard between March 30, 2020 and April 24, 2020, continued, except as provided *infra*.

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2. Notwithstanding the time extensions provided in the March 26, 2020, Section 68115 Order, as to matters currently calendared to be heard between March 30, 2020 and April 24, 2020, in order to ease the administrative burden due to the “limited staff of employees”, those matters are ordered administratively reset for 30 days (or the next court day if the tenth day falls on a weekend or holiday).
3. Pending further order of the Court, the appearance of the parties to dependency proceedings may be waived, in order to alleviate the overall number of persons within the confines of the courtroom. However, the assigned juvenile court judge may require the appearance of any party or person, notwithstanding this order.
4. It is anticipated that upon the expiration of the court holiday described in the March 26, 2020, Section 68115 Order there will be a substantial backlog of matters on the Court’s calendars. In order to mitigate the burden caused by such a backlog, counsel for the parties are ordered to meet and confer during the holiday period and seek to reach stipulations regarding findings and orders, and future court dates, for the Court’s consideration.

E. Dependency Detention Hearings:

1. The Court finds that the best interests of the child requires that, notwithstanding the provisions of the March 26, 2020, Section 68115 Order, detention hearings regarding the removal of a child from the custody of parents or other custodial caregivers will be conducted.
2. As to any detained minor, Social Services Agency is ordered to file, notice and serve a petition for the conduct of a timely detention hearing.
3. The child[ren] and parents or custodial caregiver, and appointed or retained counsel, only, will be given access to the courthouse and designated courtroom for the purposes of conducting the detention hearing.

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- 4. The appearance of the child[ren], parents or custodial caregiver at the detention hearing may be waived, in order to alleviate the overall number of persons within the confines of the courthouse.
- 5. Petitioner, the Social Services Agency, is ordered to make reasonable efforts to comply with all orders of the Court made at the detention hearing, including, and in particular as to, placement of a detained child.

F. Juvenile Justice Proceedings:

- 1. Pursuant to the March 26, 2020, Section 68115 Order, good cause exists and the Court orders all juvenile justice matters currently calendared to be heard between March 30, 2020 and April 24, 2020, continued, except as provided *infra*.
- 2. Notwithstanding the time extensions provided in the March 26, 2020, Section 68115 Order, as to matters currently calendared to be heard between March 24, 2020 and April 24, 2020, in order to ease the administrative burden due to the "limited staff of employees", those matters are ordered administratively reset for 30 days (or the next court day if the tenth day falls on a weekend or holiday).
- 3. Pending further order of the Court, the appearance of the parties to juvenile justice proceedings may be waived, in order to alleviate the overall number of persons within the confines of the courthouse. However, the assigned juvenile court judge may require the appearance of any party or person, notwithstanding this order.
- 4. It is anticipated that upon the expiration of the court holiday described in the March 26, 2020, Section 68115 Order there will be a substantial backlog of matters on the Court's calendars. In order to mitigate the burden caused by such a backlog, counsel for the parties are ordered to meet and confer during

1 the holiday period and seek to reach stipulations regarding findings and
2 orders, and future court dates, for the Court's consideration.

3 **G. Juvenile Justice Detention Hearings and Department of Juvenile Justice Return**
4 **Hearings:**

- 5 1. The Court finds that the best interests of the child requires that,
6 notwithstanding the provisions of the March 26, 2020, Section 68115 Order,
7 detention hearings regarding the detention of the child in-custody will be
8 conducted as well as hearings regarding the return of youth from the
9 Department of Juvenile Justice.
- 10 2. As to any detained minor, District Attorney is ordered to file, notice and serve a
11 petition for the conduct of a timely detention hearing.
- 12 3. The parents or custodial caregiver, and appointed or retained counsel, only,
13 will be given access to the courthouse and designated courtroom for the
14 purposes of conducting the detention hearing.
- 15 4. The appearance of the parents or custodial caregiver of the minor in custody
16 at the detention hearing may be waived, in order to alleviate the overall
17 number of persons within the confines of the courthouse.
- 18 5. In-custody minors who are housed in the local juvenile facilities will appear via
19 videoconference for purposes of the detention hearing.
- 20 6. The Orange County Probation Department, is ordered to make reasonable
21 efforts to comply with all orders of the Court made at the detention hearing,
22 including and in particular as to placement of a detained child.

23 **H. Emergency Matters:**

- 24 1. Notwithstanding the court closure and holiday period described in the March
25 26, 2020, Section 68115 Order, the Juvenile Court will consider requests for
26 orders as to matters where there is a showing of an immediate risk of injury to
27 the physical or emotional health of a child that has a matter currently pending
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before the Juvenile Court or where there is a substantial probability that the child will be before the Court. (Hereinafter: "emergency matters".)

2. All requests for orders as to emergency matters must be made in writing, and must state with specificity:

- a) The order sought to be issued by the Court;
- b) The facts demonstrating the immediate risk of injury to the physical or emotional health of a child if the order sought is not issued;
- c) The name, address, current telephone number, and email address of the person, attorney or agency requesting an order shall be provided in the writing filed with the Court;
- d) The notice or attempts to give notice to interested persons or agencies, as provided *infra*.

3. Any person or agency requesting an order as to an emergency matter shall give notice, or expend due diligence to give notice, to all interested persons and agencies, 8 hours before the request is presented to the Court, unless all parties "submit" or "agree" to the requested court action and the "submission" or "agreement" is indicated in the moving papers. Notice may be given in-person, telephonically, by email, or text message. The requests for orders shall state the efforts expended to give notice, including the date and time when such efforts were made.

4. In light of the limited access to the courthouse due to the health and safety concerns of COVID-19, requests for orders as to emergency matters shall be filed with the Court by email only, at JuvCourtroomAttendance@occourts.org. Notice of the request upon interested persons or agencies may be accomplished by any manner authorized by law.

5. All requests for orders as to an emergency matter will be decided by the Court on the moving papers and any opposition papers only, without hearing, unless


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the Court in its discretion orders a hearing. The Court will advise the moving party and any interested person or agency for whom the court has an email address of the Court's decision by email.

- 6. These orders as to emergency matters do not apply to petitions for dependency protective custody warrants, requests for arrest warrants, requests for search warrants, orders regarding medical treatment that issue in the ordinary course of business of the juvenile court. Such requests are to be made utilizing the procedures in place for the issuance of such orders by the after-hours duty judge.

In this time of substantial health and safety concerns, and widespread impact to the operations of the institutions of our community, the Court urges the people and agencies that make-up the Orange County Juvenile Court community, to cooperate and collaborate together to continue to serve the public at the highest level we can.

Dated: 3/30/2020



JOANNE MOTOIKE
Presiding Judge of Juvenile Court