

FILED
ORANGE COUNTY SUPERIOR COURT

SEP 14 2020

DAVID H. YAMASAKI, Clerk of the Court

BY:  **R. BRACKEN**, DEPUTY

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

IN RE COVID-19 COURT CLOSURE

**Amended General Order No. 19:
Re: Juvenile Court Operations
(Supersedes General Order No. 17)**

A. Superseding Order:

1. General Order No. 19 supersedes General Order No. 17.
2. General Order No. 19 is based upon the following changed circumstances:
 - a. On April 6, 2020, the Judicial Council adopted Emergency Rules 1 through 11 of the California Rules of Court; and
 - b. On September 11, 2020, the Chief Justice of California and Chair of the Judicial Council of California found the “conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(b))”. (Hereinafter: September 11, 2020, Section 68115 Order.)

B. Order Pursuant to Government Code, section 68115:

1. Pursuant to Government Code section 68115, on September 11, 2020, the Chief Justice of California and Chair of the Judicial Council of California, found: “Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the

1 proclamations of states of emergency by Governor Newsom and President
2 Trump, it was determined on March 16, and 26, 2020; April 24, 2020; May 26,
3 2020; June 10 and 18, 2020; July 16, 2020 and August 13, 2020, that the
4 conditions described in Government Code section 68115 were met with regard
5 to the Superior Court of California, County of Orange (Court)". (September 11,
6 2020, Section 68115 Order.) The Chief Justice further "determined that the
7 conditions described in section 68115(a) continue to exist (Gov. Code, §
8 68115(b))". (September 11, 2020, Section 68115 Order.)

- 9 2. The September 11, 2020, Section 68115 Order extends "the time period
10 provided in section 315 of the Welfare and Institutions Code within which a
11 minor taken into custody pending dependency proceedings must be given a
12 detention hearing to not more than three days". Such extension is "applicable
13 only to minors for whom the statutory deadline would expire from September
14 14, 2020, to October 9, 2020, inclusive (Gov. Code § 68115(a)(11))."
- 15 3. On September 11, 2020, the Presiding Judge of the Superior Court of Orange
16 County issued an "Amended Implementation Order Re: Juvenile Emergency
17 Relief Authorized by Governor Executive Order and by the Judicial Council of
18 California" implementing the September 11, 2020, Section 68115 Order.
19 (Hereinafter: Amended Implementation Order.)
- 20 4. The Amended Implementation Order extends the time periods provided in
21 Welfare and Institutions Code section 315, in which a minor taken into custody
22 pending dependency proceedings must be provided a detention hearing "to
23 not more than 3 days" applicable only to minors for whom the statutory
24 deadline otherwise would expire from September 14, 2020 to October 9, 2020,
25 inclusive. (Gov. Code, § 68115(a)(11).)

1 **C. Purpose of General Order No. 19:**

- 2 1. The purpose of this general order is to advise interested parties, counsel and
3 the general public of the conduct of the business of the Orange County
4 Juvenile Court during the period September 14, 2020 through October 9,
5 2020, pursuant to the September 11, 2020, Section 68115 Order and
6 Amended Implementation Order.
- 7 2. In the event a further order is issued by the Judicial Council, pursuant to
8 Government Code section 68115, the Orange County Juvenile Court will issue
9 additional general orders.

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11 **D. Dependency Proceedings:**

- 12 1. Pending further order of the Court, the appearance of the parties to
13 dependency proceedings may be waived, in order to alleviate the overall
14 number of persons within the confines of the courtroom. Additionally, pursuant
15 to Emergency Rules of Court, Rule 3(a)(1), the "Court[] may require that
16 judicial proceedings and court operations be conducted remotely." However,
17 the assigned juvenile court judge may require the appearance of any party or
18 person, notwithstanding this order.
- 19 2. In order to efficiently address the backlog of contested and in-progress
20 hearings caused by the Court's closure since March 17, 2020 and limited re-
21 opening since May 26, 2020, counsel for the parties are to comply with
22 Administrative Order A-200-4-2020, issued on May 18, 2020.

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24 **E. Dependency Hearings:**

- 25 1. Pursuant to the September 11, 2020, Section 68115 Order and the Amended
26 Implementation Order, the time period provided in Welfare and Institutions
27 Code section 315, in which a detained minor in a dependency proceeding
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1 must be given a detention hearing is extended “to not more than 3 days”,
2 applicable only to minors for whom the statutory deadline otherwise would
3 expire from September 14, 2020 through October 9, inclusive. (Gov. Code, §
4 68115(a)(11).)

- 5 2. Detention hearings concerning detained and/or non-detained children will be
6 scheduled pursuant to Administrative Order No. A-200-5-2020 (or any
7 amendments to Administrative Order No. A-200-5-2020).
- 8 3. As to any detained or non-detained child, Social Services Agency is ordered to
9 file, notice and serve a petition for the conduct of a timely detention hearing.
- 10 4. Petitioner, the Social Services Agency, is ordered to make reasonable efforts
11 to comply with all orders of the Court made at the detention hearing, including,
12 and in particular as to, placement of a detained child.
- 13 5. The Court may conduct in-progress and contested hearings via remote
14 technology consistent with Rules of Court, Rule 5.531 and Emergency Rules
15 of Court, Rule 3. (Emergency Rules of Court, Rule 6(c)(1).)
- 16 6. The child[ren] and parents or custodial caregiver, and appointed or retained
17 counsel, only, will be given access to the courthouse and designated
18 courtroom for the purposes of conducting dependency hearings.
- 19 7. The appearance of the child[ren], parents or custodial caregiver at the
20 dependency hearing may be waived in order to alleviate the overall number of
21 persons within the confines of the courthouse.

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23 **F. Juvenile Justice Proceedings:**

- 24 1. Pending further order of the Court, the appearance of the parties to juvenile
25 justice proceedings may be waived, in order to alleviate the overall number of
26 persons within the confines of the courthouse.

1 2. Additionally, pursuant to Emergency Rules of Court, Rule 3(a)(1), the “Court[]
2 may require that judicial proceedings and court operations be conducted
3 remotely.” However, the assigned juvenile court judge may require the
4 appearance of any party or person, notwithstanding this order.
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6 **G. Juvenile Justice Hearings:**

- 7 1. As to any detained minor, the District Attorney is ordered to file, notice and
8 serve a petition for the conduct of a timely detention hearing.
- 9 2. The Orange County Probation Department, is ordered to make reasonable
10 efforts to comply with all orders of the Court made at a youth’s detention
11 hearing, including and in particular as to placement of a detained child.
- 12 3. The appearance of the parents or custodial caregiver of the minor in custody
13 at a hearing may be waived, in order to alleviate the overall number of persons
14 within the confines of the courthouse.
- 15 4. Unless there is a showing of compelling and substantial good cause, juvenile
16 justice hearings for youth housed in the local juvenile facilities that are not
17 contested and do not involve witness testimony will be conducted via
18 videoconference link from the youth’s juvenile facility.
- 19 5. The youth, parents or custodial caregiver, and appointed or retained counsel,
20 as well as the alleged victim(s), will be given access to the courthouse and
21 designated courtroom for the youth’s hearing. Members of the public pursuant
22 to Welfare and Institutions Code section 676 and Administrative Order A-100-
23 2-2013, will be given access to the courthouse and designated courtroom for
24 juvenile justice hearings concerning petitions alleging violations identified in
25 Welfare and Institutions Code section 676, subdivision (a).
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- 1 6. The Court may conduct court trials via remote technology consistent with
2 Rules of Court, Rule 5.531 and Emergency Rules of Court, Rule 3.
3 (Emergency Rules of Court, Rule 7(c)(1).)

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5 **H. Emergency Matters:**

- 6 1. In order to maintain appropriate social distancing and current COVID-19
7 guidelines, the Juvenile Court will consider requests for orders as to matters
8 where there is a showing of an immediate risk of injury to the physical or
9 emotional health of a child that has a matter currently pending before the
10 Juvenile Court or where there is a substantial probability that the child will be
11 before the Court. (Hereinafter: "emergency matters".) These emergency
12 matters also include psychotropic medication applications, emergency medical
13 requests, petitions for reentry of a nonminor dependent, Welfare and
14 Institution Code section 388 petitions that "require an immediate response
15 based on the health and safety of the child", as described in Emergency Rules
16 of Court, Rule 6(b)(3) through (b)6), and requests to review changes in child
17 visitation, made by the attorney for the child or parent, pursuant to Emergency
18 Rules of Court, Rule 6(c)(7)(A) and (B).
- 19 2. All requests for orders as to emergency matters must be made in writing, and
20 must state with specificity:
- 21 a) The order sought to be issued by the Court;
- 22 b) The facts demonstrating the immediate risk of injury to the physical or
23 emotional health of a child if the order sought is not issued or, where
24 the request is to review changes in child visitation, the moving party
25 must provide the Court with the requisite information pursuant to
26 Emergency Rules of Court, Rule 6(c)(7)(A) and (B);

1 c) The name, address, current telephone number, and email address of
2 the person, attorney or agency requesting an order shall be provided in
3 the writing filed with the Court;

4 d) The notice or attempts to give notice to interested persons or agencies,
5 as provided *infra*.

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

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

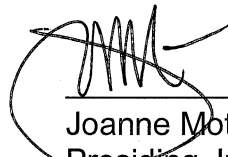
19 5. All requests for orders as to an emergency matter will be decided by the Court
20 on the moving papers and any opposition papers only, without hearing, unless
21 the Court in its discretion orders a hearing. The Court will advise the moving
22 party and any interested person or agency for whom the court has an email
23 address of the Court’s decision by email.

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

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

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9 DATED: September 14, 2020



Joanne Motoike
Presiding Judge of the Juvenile Court

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