

FILED
ORANGE COUNTY SUPERIOR COURT

JUN 19 2020

DAVID H. YAMASAKI, Clerk of the Court


BY: R. BRACKEN, DEPUTY

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

IN RE COVID-19 COURT CLOSURE

General Order No. 13:

Re: Juvenile Court Operations

(Supersedes General Order No. 12)

A. Superseding Order:

1. General Order No. 13 supersedes General Order No. 12.
2. General Order No. 13 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 June 18, 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: June 18, 2020, Section 68115 Order.)

B. Order Pursuant to Government Code, section 68115:

1. Pursuant to Government Code section 68115, on June 18, 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

1 resulting in substantial operational impediments, and the proclamations of
2 states of emergency by federal, state, and local officials, it was determined
3 that the conditions described in Government Code section 68115 were met
4 with regard to the Superior Court of California, County of Orange as of March
5 16, March 26, and April 24, May 26, and June 10, 2020". (June 18, 2020,
6 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))". (June 18, 2020, Section 68115 Order.)

- 9 2. On June 19, 2020, the Presiding Judge of the Superior Court of Orange
10 County issued a Fifth Implementation Order Re Emergency Relief Authorized
11 by Governor Executive Order and by the Judicial Council of California (W&I
12 Code §§ 313 and 315 – Juvenile Dependency Hearing)" implementing the
13 June 18, 2020, Section 68115 Order. (Hereinafter: Fifth Implementation
14 Order.)
- 15 3. The Fifth Implementation Order extends the time periods provided in Welfare
16 and Institutions Code sections 313 and 315, in which a minor in a dependency
17 must be released and a detention hearing conducted "to not more than 3
18 days" applicable only to minors for whom the statutory deadline otherwise
19 would expire from June 22, 2020 to July 17, 2020, inclusive. (Gov. Code, §
20 68115(a)(11).)

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22 **C. Purpose of General Order No. 13:**

- 23 1. The purpose of this general order is to advise interested parties, counsel and
24 the general public of the conduct of the business of the Orange County
25 Juvenile Court during the period June 22, 2020 through July 17, 2020,
26 pursuant to the June 18, 2020, Section 68115 Order and Fifth Implementation
27 Order.

- 1 2. In the event a further order is issued by the Judicial Council, pursuant to
2 Government Code section 68115, the Orange County Juvenile Court will issue
3 additional general orders.
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5 **D. Dependency Proceedings:**

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

- 19 1. Pursuant to the June 18, 2020, Section 68115 Order and the Fifth
20 Implementation Order, the time periods provided in Welfare and Institutions
21 Code sections 313 and 315, in which a minor in a dependency must be
22 released and a detention hearing conducted is extended "to not more than 3
23 days", applicable only to minors for whom the statutory deadline otherwise
24 would expire from June 22, 2020 to July 17, 2020, inclusive. (Gov. Code, §
25 68115(a)(11).)
26 2. Detention hearings concerning detained and/or non-detained children will be
27 scheduled pursuant to Administrative Order No. A-200-5-2020.
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- 1 3. As to any detained or non-detained child, Social Services Agency is ordered to
2 file, notice and serve a petition for the conduct of a timely detention hearing.
- 3 4. Petitioner, the Social Services Agency, is ordered to make reasonable efforts
4 to comply with all orders of the Court made at the detention hearing, including,
5 and in particular as to, placement of a detained child.
- 6 5. The Court may conduct in-progress and contested hearings via remote
7 technology consistent with Rules of Court, Rule 5.531 and Emergency Rules
8 of Court, Rule 3. (Emergency Rules of Court, Rule 6(c)(1).)
- 9 6. The child[ren] and parents or custodial caregiver, and appointed or retained
10 counsel, only, will be given access to the courthouse and designated
11 courtroom for the purposes of conducting dependency hearings.
- 12 7. The appearance of the child[ren], parents or custodial caregiver at the
13 dependency hearing may be waived in order to alleviate the overall number of
14 persons within the confines of the courthouse.

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16 **F. Juvenile Justice Proceedings:**

- 17 1. Pending further order of the Court, the appearance of the parties to juvenile
18 justice proceedings may be waived, in order to alleviate the overall number of
19 persons within the confines of the courthouse.
- 20 2. Additionally, pursuant to Emergency Rules of Court, Rule 3(a)(1), the "Court[]
21 may require that judicial proceedings and court operations be conducted
22 remotely." However, the assigned juvenile court judge may require the
23 appearance of any party or person, notwithstanding this order.

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25 **G. Juvenile Justice Hearings:**

- 26 1. As to any detained minor, the District Attorney is ordered to file, notice and
27 serve a petition for the conduct of a timely detention hearing.

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

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22 **H. Emergency Matters:**

- 23 1. In order to maintain appropriate social distancing and current COVID-19
24 guidelines, the Juvenile Court will consider requests for orders as to matters
25 where there is a showing of an immediate risk of injury to the physical or
26 emotional health of a child that has a matter currently pending before the
27 Juvenile Court or where there is a substantial probability that the child will be
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1 before the Court. (Hereinafter: "emergency matters".) These emergency
2 matters also include psychotropic medication applications, emergency medical
3 requests, petitions for reentry of a nonminor dependent, Welfare and
4 Institution Code section 388 petitions that "require an immediate response
5 based on the health and safety of the child", as described in Emergency Rules
6 of Court, Rule 6(b)(3) through (b)6), and requests to review changes in child
7 visitation, made by the attorney for the child or parent, pursuant to Emergency
8 Rules of Court, Rule 6(c)(7)(A) and (B).

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

- 11 a) The order sought to be issued by the Court;
- 12 b) The facts demonstrating the immediate risk of injury to the physical or
13 emotional health of a child if the order sought is not issued or, where
14 the request is to review changes in child visitation, the moving party
15 must provide the Court with the requisite information pursuant to
16 Emergency Rules of Court, Rule 6(c)(7)(A) and (B);
- 17 c) The name, address, current telephone number, and email address of
18 the person, attorney or agency requesting an order shall be provided in
19 the writing filed with the Court;
- 20 d) The notice or attempts to give notice to interested persons or agencies,
21 as provided *infra*.


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

- 3 4. In light of the limited access to the courthouse due to the health and safety
4 concerns of COVID-19, requests for orders as to emergency matters shall be
5 filed with the Court by email only, at juvenilecourt@occourts.org. Notice of the
6 request upon interested persons or agencies may be accomplished by any
7 manner authorized by law.
- 8 5. All requests for orders as to an emergency matter will be decided by the Court
9 on the moving papers and any opposition papers only, without hearing, unless
10 the Court in its discretion orders a hearing. The Court will advise the moving
11 party and any interested person or agency for whom the court has an email
12 address of the Court's decision by email.
- 13 6. These orders as to emergency matters do not apply to petitions for
14 dependency protective custody warrants, requests for arrest warrants,
15 requests for search warrants, orders regarding medical treatment that issue in
16 the ordinary course of business of the juvenile court. Such requests are to be
17 made utilizing the procedures in place for the issuance of such orders by the
18 after-hours duty judge.

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

23
24 DATED: June 19, 2020



Joanne Motoike
Presiding Judge of the Juvenile Court