

FILED
ORANGE COUNTY SUPERIOR COURT

DEC 04 2020

DAVID H. YAMASAKI, Clerk of the Court

BY:  R. BRACKEN, DEPUT

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

IN RE COVID-19 COURT CLOSURE

General Order No. 25:

Re: Juvenile Court Operations

(Supersedes Amended General

Order No. 23)

A. Superseding Order:

1. General Order No. 25 supersedes Amended General Order No. 23.
2. General Order No. 25 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 with recent amendments effective on November 13, 2020; and
 - b. On December 3, 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: December 3, 2020, Section 68115 Order.)

B. Order Pursuant to Government Code, section 68115:

1. Pursuant to Government Code section 68115, on December 3, 2020, the Chief Justice of California and Chair of the Judicial Council of California, found:

1 "Because of the COVID-19 pandemic, leading to health and safety concerns
2 resulting in substantial operational impediments, and the proclamations of
3 states of emergency by federal, state, and local officials, it was determined on
4 March 16, and 26, 2020; April 24, 2020; May 26, 2020; June 10 and 18, 2020;
5 July 16, 2020; August 13, 2020; September 11, 2020; October 8, 2020; and
6 November 5, 2020, that the conditions described in Government Code section
7 68115 were met with regard to the Superior Court of California, County of
8 Orange (Court)". (November 5, 2020, Section 68115 Order.) The Chief
9 Justice further "determined that the conditions described in section 68115(a)
10 continue to exist (Gov. Code, § 68115(c))". (December 3, 2020, Section 68115
11 Order.)

- 12 2. The December 3, 2020, Section 68115 Order extends "the time period
13 provided in section 315 of the Welfare and Institutions Code within which a
14 minor taken into custody pending dependency proceedings must be given a
15 detention hearing to not more than three days". Such extension is "applicable
16 only to minors for whom the statutory deadline would expire from December 7,
17 2020, to December 31, 2020, inclusive (Gov. Code § 68115(a)(11))."
- 18 3. On December 3, 2020, the Presiding Judge of the Superior Court of Orange
19 County issued an "Implementation Order Re: Juvenile Emergency Relief
20 Authorized by Governor Executive Order and by the Judicial Council of
21 California" implementing the December 3, 2020, Section 68115 Order.
22 (Hereinafter: Implementation Order.)
- 23 4. The Implementation Order extends the time periods provided in Welfare and
24 Institutions Code section 315, in which a minor taken into custody pending
25 dependency proceedings must be provided a detention hearing "to not more
26 than 3 days" applicable only to minors for whom the statutory deadline
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1 otherwise would expire from December 7, 2020, to December 31, 2020,
2 inclusive. (Gov. Code, § 68115(a)(11).)
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4 **C. Purpose of General Order No. 25:**

- 5 1. The purpose of this general order is to advise interested parties, counsel and
6 the general public of the conduct of the business of the Orange County
7 Juvenile Court during the period December 7, 2020, through December 31,
8 2020, pursuant to the December 3, 2020, Section 68115 Order and
9 Implementation Order.
- 10 2. In the event a further order is issued by the Judicial Council, pursuant to
11 Government Code section 68115, the Orange County Juvenile Court will issue
12 additional general orders.
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14 **D. Dependency Proceedings:**

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

- 2 1. Pursuant to the December 3, 2020, Section 68115 Order and the
3 Implementation Order, the time period provided in Welfare and Institutions
4 Code section 315, in which a detained minor in a dependency proceeding
5 must be given a detention hearing is extended “to not more than 3 days”,
6 applicable only to minors for whom the statutory deadline otherwise would
7 expire from December 7, 2020, to December 31, 2020, inclusive. (Gov. Code,
8 § 68115(a)(11).)
- 9 2. Detention hearings concerning detained and/or non-detained children will be
10 scheduled pursuant to Revised Administrative Order No. A-200-5-2020
11 (issued October 2, 2020).
- 12 3. As to any detained or non-detained child, Social Services Agency is ordered to
13 file, notice and serve a petition for the conduct of a timely detention hearing.
- 14 4. Petitioner, the Social Services Agency, is ordered to make reasonable efforts
15 to arrange visitation between the parent[s] and child[ren] from the time
16 between the child[ren]’s removal and the detention hearing and to comply with
17 all orders of the Court made at the detention hearing, including, and in
18 particular as to, placement of a detained child.
- 19 5. The Court may conduct in-progress and contested hearings via remote
20 technology consistent with Rules of Court, Rule 5.531 and Emergency Rules
21 of Court, Rule 3. (Emergency Rules of Court, Rule 6(c)(1).)
- 22 6. The child[ren] and parents or custodial caregiver, and appointed or retained
23 counsel, only, will be given access to the courthouse and designated
24 courtroom for the purposes of conducting dependency hearings.
- 25 7. The appearance of the child[ren], parents or custodial caregiver at the
26 dependency hearing may be waived in order to alleviate the overall number of
27 persons within the confines of the courthouse.
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1 **F. Juvenile Justice Proceedings:**

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

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10 **G. Juvenile Justice Hearings:**

- 11 1. As to any detained minor, the District Attorney is ordered to file, notice and
12 serve a petition for the conduct of a timely detention hearing.
- 13 2. The Orange County Probation Department, is ordered to make reasonable
14 efforts to comply with all orders of the Court made at a youth's detention
15 hearing, including any orders as to placement of a detained child.
- 16 3. The appearance of the parents or custodial caregiver of the minor in custody
17 at a hearing may be waived, in order to alleviate the overall number of persons
18 within the confines of the courthouse.
- 19 4. Youth, who are housed in a juvenile facility and who are not in quarantine or in
20 medical isolation, will be allowed to be physically present in the courtroom for
21 their hearing. If an attorney would like a youth, who is housed in a juvenile
22 camp and not in quarantine or in medical isolation, to be physically present in
23 the courtroom for their hearing, a request for transportation of this youth for
24 their upcoming hearing should be sought from the assigned judge. Such
25 requests should be made at the time a future court date is calendared for the
26 youth. (This paragraph is effective only on and through December 7, 2020 to
27 December 10, 2020.)
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- 1 5. Effective December 11, 2020, unless there is a showing of compelling and
2 substantial good cause, juvenile justice hearings for in-custody youth/former
3 youth that are not contested and do not involve witness testimony will be
4 conducted via videoconference link from the youth/former youth's facility.
- 5 6. The youth, parents or custodial caregiver, and appointed or retained counsel,
6 as well as the alleged victim(s), will be given access to the courthouse and
7 designated courtroom for the youth's hearing. Members of the public pursuant
8 to Welfare and Institutions Code section 676 and Administrative Order A-100-
9 2-2013, will be given access to the courthouse and designated courtroom for
10 juvenile justice hearings concerning petitions alleging violations identified in
11 Welfare and Institutions Code section 676, subdivision (a).
- 12 7. The Court may conduct court trials via remote technology consistent with
13 Rules of Court, Rule 5.531 and Emergency Rules of Court, Rule 3.
14 (Emergency Rules of Court, Rule 7(c)(1).)

15 16 **H. Emergency Matters:**

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

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

5 a. The order sought to be issued by the Court;

6 b. The facts demonstrating the immediate risk of injury to the physical or
7 emotional health of a child if the order sought is not issued or, where
8 the request is to review changes in child visitation, the moving party
9 must provide the Court with the requisite information pursuant to
10 Emergency Rules of Court, Rule 6(c)(7)(A) and (B);

11 c. The name, address, current telephone number, and email address of
12 the person, attorney or agency requesting an order shall be provided in
13 the writing filed with the Court;

14 d. The notice or attempts to give notice to interested persons or agencies,
15 as provided *infra*.

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

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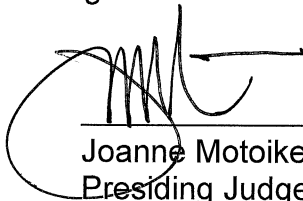
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request upon interested persons or agencies may be accomplished by any manner authorized by law.

- 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 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: December 4, 2020



Joanne Motoike
Presiding Judge of the Juvenile Court