

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
LAMOREAUX JUSTICE CENTER

NOV 06 2020

DAVID H. YAMASAKI, Clerk of the Court

BY: K. Beltra, DEPUTY

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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. 23:
Re: Juvenile Court Operations
(Supersedes Amended General
Order No. 21)**

A. Superseding Order:

1. General Order No. 23 supersedes Amended General Order No. 21.
2. General Order No. 23 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 November 5, 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: November 5, 2020, Section 68115 Order.)

B. Order Pursuant to Government Code, section 68115:

1. Pursuant to Government Code section 68115, on November 5, 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 on
3 March 16, and 26, 2020; April 24, 2020; May 26, 2020; June 10 and 18, 2020;
4 July 16, 2020; August 13, 2020; September 11, 2020; and October 8, 2020
5 that the conditions described in Government Code section 68115 were met
6 with regard to the Superior Court of California, County of Orange (Court”).
7 (November 5, 2020, Section 68115 Order.) The Chief Justice further
8 “determined that the conditions described in section 68115(a) continue to exist
9 (Gov. Code, § 68115(b))”. (November 5, 2020, Section 68115 Order.)

- 10 2. The November 5, 2020, Section 68115 Order extends “the time period
11 provided in section 315 of the Welfare and Institutions Code within which a
12 minor taken into custody pending dependency proceedings must be given a
13 detention hearing to not more than three days”. Such extension is “applicable
14 only to minors for whom the statutory deadline would expire from November 9,
15 2020 to December 4, 2020, inclusive (Gov. Code § 68115(a)(11)).”
- 16 3. On November 6, 2020, the Presiding Judge of the Superior Court of Orange
17 County issued an “Implementation Order Re: Juvenile Emergency Relief
18 Authorized by Governor Executive Order and by the Judicial Council of
19 California” implementing the November 5, 2020, Section 68115 Order.
20 (Hereinafter: Implementation Order.)
- 21 4. The Implementation Order extends the time periods provided in Welfare and
22 Institutions Code section 315, in which a minor taken into custody pending
23 dependency proceedings must be provided a detention hearing “to not more
24 than 3 days” applicable only to minors for whom the statutory deadline
25 otherwise would expire from November 9, 2020 to December 4, 2020,
26 inclusive. (Gov. Code, § 68115(a)(11).)

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C. Purpose of General Order No. 23:

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 November 9, 2020 through December 4, 2020, pursuant to the November 5, 2020, Section 68115 Order and Implementation Order.
2. In the event 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. 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. Additionally, pursuant to Emergency Rules of Court, Rule 3(a)(1), the "Court[] may require that judicial proceedings and court operations be conducted remotely." However, the assigned juvenile court judge may require the appearance of any party or person, notwithstanding this order.
2. In order to efficiently address the backlog of contested and in-progress hearings caused by the Court's closure since March 17, 2020 and limited re-opening since May 26, 2020, counsel for the parties are to comply with Administrative Order A-200-4-2020, issued on May 18, 2020.

E. Dependency Hearings:

1. Pursuant to the November 5, 2020, Section 68115 Order and the Implementation Order, the time period provided in Welfare and Institutions

1 Code section 315, in which a detained minor in a dependency proceeding
2 must be given a detention hearing is extended "to not more than 3 days",
3 applicable only to minors for whom the statutory deadline otherwise would
4 expire from November 9, 2020 to December 4, 2020, inclusive. (Gov. Code, §
5 68115(a)(11).)

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

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F. Juvenile Justice Proceedings:

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

G. Juvenile Justice Hearings:

1. As to any detained minor, the District Attorney is ordered to file, notice and serve a petition for the conduct of a timely detention hearing.
2. The Orange County Probation Department, is ordered to make reasonable efforts to comply with all orders of the Court made at a youth’s detention hearing, including and in particular as to placement of a detained child.
3. The appearance of the parents or custodial caregiver of the minor in custody at a hearing may be waived, in order to alleviate the overall number of persons within the confines of the courthouse.
4. Youth, who are housed in a juvenile facility and who are not in quarantine or in medical isolation, will be allowed to be physically present in the courtroom for their hearing. If an attorney would like a youth, who is housed in a juvenile camp and not in quarantine or in medical isolation, to be physically present in the courtroom for their hearing, a request for transportation of this youth for their upcoming hearing should be sought from the assigned judge. Such requests should be made at the time a future court date is calendared for the youth.

- 1 5. The youth, parents or custodial caregiver, and appointed or retained counsel,
2 as well as the alleged victim(s), will be given access to the courthouse and
3 designated courtroom for the youth's hearing. Members of the public pursuant
4 to Welfare and Institutions Code section 676 and Administrative Order A-100-
5 2-2013, will be given access to the courthouse and designated courtroom for
6 juvenile justice hearings concerning petitions alleging violations identified in
7 Welfare and Institutions Code section 676, subdivision (a).
- 8 6. The Court may conduct court trials via remote technology consistent with
9 Rules of Court, Rule 5.531 and Emergency Rules of Court, Rule 3.
10 (Emergency Rules of Court, Rule 7(c)(1).)

11 **H. Emergency Matters:**

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

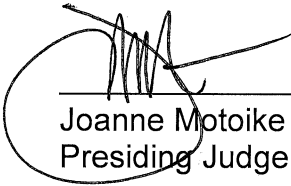
3. Any person or agency requesting an order as to an emergency matter shall give notice, or expend due diligence to give notice, to all interested persons and agencies, 8 hours before the request is presented to the Court, unless all parties “submit” or “agree” to the requested court action and the “submission” 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 juvenilecourt@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 the Court in its discretion orders a hearing. The Court will advise the moving

1 party and any interested person or agency for whom the court has an email
2 address of the Court's decision by email.

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

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

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15 DATED: November 6, 2020

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18 Joanne Mtoike
19 Presiding Judge of the Juvenile Court
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