FILED
ORANGE COUNTY SUPERIOR COURT
APR 23 2021
DAVID H. YAMASAKI, Clerk of the Court
BY: R. BRACKEN, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE – JUVENILE COURT

GENERAL ORDER NO. 36

TEMPORARY EMERGENCY ORDER MODIFYING JUVENILE JUSTICE VISITATION IN LIGHT OF COVID-19 PANDEMIC

Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization and has been declared a national emergency by the President of the United States, and a state emergency by the Governor of California, it is essential to slow virus transmission as much as possible. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. The Orange County Probation Department (OCPD) serves many youth who are currently in custody at Juvenile Hall, Youth Guidance Center, or the Youth Leadership Academy. In addition, there is another population of youth who are in out-of-home care and being supervised by OCPD. These youth visit with their parents, siblings, and other relatives during regular visitation hours at their respective facilities, and in some instances, pursuant to a scheduled visitation court order. The interpersonal contact germane to in-person visitation is contrary to the general public health during this unprecedented national crisis.

On March 20, 2020, March 30, 2020, May 1, 2020, May 22, 2020, June 26, 2020, July 17, 2020, August 14, 2020, September 11, 2020, October 8, 2020, November 6, 2020, December 4, 2020, and

December 31, 2020 the Juvenile Court issued General Order Nos. 3, 7, 9, 10, 14, 15, 18, 20, 22, 24, 26, 28, 30, 32, and 34, respectively ("Temporary Emergency Order Modifying Juvenile Justice Visitation in Light of COVID-19 Pandemic") for the time periods of March 20, 2020 through March 31, 2020, March 31, 2020 through April 30, 2020, May 1, 2020 through May 22, 2020, May 23, 2020 through June 21, 2020, June 22, 2020 through July 19, 2020, July 20, 2020 through August 16, 2020, August 17, 2020 through September 13, 2020, September 14, 2020 through October 12, 2020, October 13, 2020 through November 8, 2020, November 9, 2020 through December 6, 2020, December 7, 2020 through January 3, 2021, January 4, 2021 through January 31, 2021 and February 1, 2021 through February 28, 2021, March 1, 2021 through March 28, 2021 and March 29, 2021 through April 25, 2021.

Since the issuance of General Order No. 3, the California State Governor issued Executive Order NO-33-20, directing all residents to "heed the current State public health directive", and more recently the State Public Health Officer issued a "Statewide Public Health Officer Order" on August 28, 2020. On December 22, 2020, the Governor's Office in conjunction with the California Department of Public Health updated the "Blueprint for a Safer Economy" with modifications on March 11, 2021. Additionally, on January 25, 2021, the County Health Officer for Orange County issued "Revised Orders and Strong Recommendations" for the residents and visitors of Orange County.

Welfare and Institutions Code (WIC) section 202 emphasizes family preservation and family reunification as appropriate goals in the context of juvenile justice cases. Additionally, WIC section 727, subdivision (a), permits the court to make "any and all reasonable orders for [a ward's] care, supervision, custody, conduct, maintenance, and support ... subject to further order of the court." (§ 727, subd. (a).) All juvenile justice stakeholders recognize that regular visitation is vital to families, and that visitation is the cornerstone of family preservation and rehabilitation of the subject youth. In

making this order, the court balances the importance of visitation against the current pressing public health imperatives as a result of the COVID-19 crisis.

FOR GOOD CAUSE SHOWN, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. From April 26, 2021 through May 23, 2021, visitation ordered by juvenile justice court judges for all youth under their jurisdiction who are in out-of-home placement (excluding detention facilities) will be made available via teleconferencing, application (such as FaceTime, Facebook Messenger, or WhatsApp), or by telephone where the parent and the caregiver both have necessary equipment to accomplish one of these forms of visitation. In instances where the parent or caregiver lacks necessary equipment, OCPD shall make efforts to ensure telephonic or video contact.

2. When youth are in out-of-home placement and where the assigned probation officer assesses that a caregiver and a parent can safely, willingly, and appropriately coordinate visitation, such as in an open outdoor space where social distancing can be accomplished, the probation officer may authorize such visitation, provided the youth is willing to partake in such visitation. The caregiver, parent, and child shall follow Center for Disease Control recommendations around hygiene practices, including washing hands before and after visits. The caregiver shall assess the parent and child before the visit for presence of symptoms and shall not allow the visit to proceed if either show any symptoms of illness. The caregiver shall immediately notify the probation officer when a visit is canceled due to symptoms.

3. Where a parent's visitation with a youth is held in a therapeutic setting, visits shall occur at the court-ordered frequency, provided OCPD can arrange such visitation pursuant to one of the modalities listed above.

4. No in-person visitation shall occur from April 26, 2021 through May 23, 2021, for youth who are in custody at Juvenile Hall, Youth Guidance Center, or the Youth Leadership Academy. Any court ordered visitation at any of the custodial facilities is suspended from April 26, 2021 through May 23, 2021. Additionally, all court ordered furloughs with outside providers are suspended from April 26, 2021 through May 23, 2021. For these youth, OCPD will make every effort to facilitate family visitation as set forth in paragraph 1. Where there is a court order for a certain number of phone calls each week, OCPD is authorized to increase that number, resources permitting, to make up for the lack of in-person visits. For youth whose court-ordered furloughs and/or provider visitation has been suspended, OCPD will make every effort to facilitate contact with the provider via teleconferencing, application (such as FaceTime, Facebook Messenger, or WhatsApp), or by telephone where the provider has the necessary equipment to accomplish one of these forms of visitation. Nothing in this order is meant to circumvent any policies and procedures put in place by OCPD as a result of the COVID-19 crisis. It is anticipated that as soon as health conditions permit, OCPD will resume regular in-person visits for in custody youth.

5. Sibling visitation shall be suspended during the duration of this order, unless it falls within one of the exceptions outlined in this agreement for parent and child visitation.

This Order is issued over the objection of the Orange County Public Defender's Office on behalf of its clients. The objection is duly noted by the Court.

Dated: April 23, 2021

JOANNE MOTOIKE
Presiding Judge of the Juvenile Court