

FILED *ELP*

MAR 25 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF DEL NORTE**

ADMINISTRATIVE ORDER RE:) **INTERIM ORDER NO.: 2020-002**
IMPLEMENTATION OF EMERGENCY)
RELIEF AUTHORIZED PURSUANT TO) **INTERIM ORDER RE:**
GOVERNMENT CODE §68115 BY CHAIR) **MODIFICATIONS TO COURT**
OF JUDICIAL COUNCIL) **OPERATIONS PURSUANT TO**
) **STANDING ORDER 2020-001 AND IN**
) **COMPLIANCE WITH ORDERS OF THE**
) **CHIEF JUSTICE**

In consideration of the public health crisis currently affecting our state, the Del Norte County Superior Court will be limiting access to its courthouses, effective immediately. Courtrooms will practice social distancing, with any persons in the gallery instructed by Court Security to sit at least six feet apart. Members of the public having business with the Court are strongly discouraged from bringing relatives or friends to the courthouse, other than those who are statutory support persons or person who are subpoenaed to be in court on that particular day. The Court currently plans to resume regular court operations on Monday April 20, 2020, although this date is subject to change due to rapidly unfolding conditions.

Pending Criminal Matters in all Departments:

1) Orders to Appear- and General Orders

- a) Effective immediately, any prior order to an out of custody defendant to appear for a pretrial proceeding in a misdemeanor case scheduled between March 20, 2020 to and including April 17, 2020 is rescinded and counsel can and should appear for clients in those proceedings.
- b) Effective immediately, the Court will accept Penal Code section 977 waivers executed out of court for a defendant with a pending criminal matter who has an appearance between March 20, 2020 to and including April 20, 2020 to facilitate continuances. The Court will accept electronic/faxed signatures, but counsel must certify that their client has signed the form. In exceptional cases where a defendant does not have the capability of bringing in or emailing a signed Penal Code section 977 waiver, the Court may permit the client to call in at an agreed upon time to place upon the record his/her consent to have counsel appear on his/her behalf and continued waiver of time.

1 **2) Jury Trials**

- 2 a) All jury trials of any kind scheduled between March 23, 2020 to and including May 22,
3 2020 are vacated and any person who has received a juror summons will be re-summoned
4 for a date in the future. This Order is based on a finding of good cause and the attached
5 order of the Chief Justice of the California State Supreme Court, the HON. TANI G.
6 CANTIL-SAKAUYE, and arising out of the Public Health Crisis declared by the County,
7 the Governor of the State of California, and the President of the United States of
8 America. This Order will facilitate the court's goal of eliminating public gatherings in our
9 courthouses of large groups of people that jury trials necessarily require.
10 b) Any jury trial scheduled between March 20, 2020 to and including April 17, 2020 where
11 time is not waived will be scheduled for a trial setting conference on or after April 17,
12 2020.
13 c) Any misdemeanor jury trial scheduled between March 20, 2020 to and including April
14 17, 2020 with a time waiver will be scheduled for a trial setting conference on or after
15 April 17, 2020.
16 d) Any felony jury trial scheduled between March 20, 2020 to and including April 17, 2020
17 with a time waiver will be scheduled for a trial setting conference on or after April 17,
18 2020.

19 **3) All Other Pending Criminal Appearances and Hearings.**

- 20 a) All out of custody no-time waiver cases with an appearance between March 20, 2020 to
21 and including April 17, 2020 shall go forward as scheduled by the Court; however,
22 counsel are encouraged to agree to continue matters to a date beyond April 17, 2020, and
23 should appear on behalf of their client pursuant to Penal Code section 977.
24 b) All other criminal matters with appearances set between March 20, 2020 to and including
25 April 17, 2020 that are time-waived will be reset no sooner than April 17, 2020 or at a
26 date that the parties agree upon on or after April 17, 2020.
27 c) During the period between March 20, 2020 to and including April 17, 2020, the Court
28 will not allow non-calendared walk-in add-on to calendars.

Pending Civil and Probate Matters in all Departments:

- 1) Counsel in all civil and probate law and motion matters scheduled to appear between March
20, 2020 to and including April 17, 2020 shall attend via Court Call; no personal appearances
will be permitted. Parties may request a continuance if they prefer to appear in person; their
matter will be reset for hearing on or after April 17, 2020.
2) **Unlawful Detainer/Foreclosure Injunctions.** All hearings currently scheduled will be reset
to be heard telephonically in a department to be determined; parties are urged to appear via
Court Call if possible.
3) **Small Claims Trials.** All hearings currently scheduled to appear between March 20, 2020 to
and including April 17, 2020 will be reset for trial on the Court's own motion, on or after
April 17, 2020.
4) **Conservatorships, Guardianships and LPS.** All hearings will be placed on calendar as set
by the Court; parties are urged to appear via Court Call if possible.

- 1 5) **Petitions for Civil Harassment Restraining orders.** Please refer to the Chief Justice's
2 March 18, 2020 emergency order and this Court's Amended Implementation Order, copies of
3 which are attached.
4 6) **Law and Motion, Trials, Long cause and Short cause hearings.** All hearings currently
5 scheduled to appear between March 20, 2020 to and including April 17, 2020 will be reset on
6 the Court's own motion for case management/trial setting conference for the purpose of
7 setting a new date on or after April 17, 2020.

8 **Pending Family Law Matters in all Departments:**

- 9 1) **Self-Help Center.** The Self-Help Offices shall close to in-person assistance effective March
10 20, 2020 to and including April 17, 2020. Self-Help staff may assist members of the public
11 via email or phone which will be posted at the Self-Help Center.
12 2) **Child Custody Mediation Appointments.** During the period between March 20, 2020 to
13 and including April 17, 2020, the Court mandates all Child Custody Mediations
14 appointments shall be held telephonically.
15 3) **Department of Child Support Services.** All Child Support Hearings scheduled between
16 March 20, 2020 to and including April 17, 2020 will be reset for hearing on or after April 17,
17 2020. If a matter is of an emergency nature, parties reserve the right to submit their ex parte
18 motion for review by the Child Support Commissioner.
19 4) **Law and Motion, Trials, Long cause and Short cause hearings.**
20 a) All matters scheduled between March 20, 2020 to and including April 17, 2020 will be
21 reset for hearing after April 17, 2020. If a matter is of an emergency nature, parties
22 reserve the right to submit their ex parte motion for review by the judge.
23 b) **Petitions for Domestic Violence Restraining Orders.** Please refer to the Chief Justice's
24 March 18, 2020 emergency order and this Court's Amended Implementation Order,
25 copies of which are attached.

26 **Veterans Treatment Court/Adult Drug Court/Integrated Treatment Court.**

27 Appearances in these courts are vacated between March 20, 2020 to and including April 17,
28 2020 and will resume at their usual days and times effective April 17, 2020.

29 **Family Wellness Court/Tribal Court.**

30 Appearances in these courts are vacated between March 20, 2020 to and including April 17,
31 2020 and will be reset on May 1, 2020 at 1:00 PM in Department One.

32 **Traffic Court in Department Three.**

- 33 1) All traffic matters scheduled for April 6, 2020 at 1:30p.m. are rescheduled to Monday, May
34 11, 2020 at 1:30p.m.
35 2) All traffic matters scheduled for April 9, 2020 at 1:30p.m. are rescheduled to May 14, 2020
36 at 1:30p.m.
37 3) All traffic matters scheduled for April 13, 2020 at 1:30p.m. are rescheduled to May 18, 2020
38 at 1:30p.m.

1 4) All traffic matters scheduled for April 16, 2020 are rescheduled for May 21, 2020 at 1:30p.m.

2 **Amend Section 5 of this Court's Standing Order 2020-001 to correctly read:**

3 Any judge of the Court may extend by not more than 30 days the duration of any temporary
4 restraining order would otherwise expire from March 20, 2020 to April 17, 2020, inclusive
5 because the emergency condition described herein prevented the Court from conducting
6 proceedings to determine whether a permanent order should be entered (Gov. Code
§68115(a)(7)).

7 **Implementation of Standing Order 2020-001.**

8 **From April 2, 2020 to April 17, 2020, the court will schedule only the following critical**
9 **matters as posted in the below Calendar.** The Court front desk will be open to accept all
10 filings from 8:00 a.m. to 1:00 p.m. on Mondays, Thursdays, and Fridays. All other dates are
declared judicial holidays until and including April 17, 2020.

11 **MONDAYS**

12 *April 2, 2020 until April 17, 2020*

13 **DEPARTMENT ONE:**

- 14 1. 8:30AM: No Time Waiver Criminal Matters, Arraignments, Emergency Orders
2. 3:30PM: No Time Waiver Felony Sentencings

15 **DEPARTMENT TWO:**

- 16 1. 9:00AM: No Time Waiver Criminal Matters, Arraignments, Emergency Orders, and
Preliminary Hearings.
17 2. 2:00PM: Critical Juvenile Dependency Matters and Detentions.

18 **DEPARTMENT THREE:**

1. 1:10PM: In custody criminal arraignments.

19 **THURSDAYS**

20 *April 2, 2020 until April 17, 2020*

21 **DEPARTMENT ONE:**

- 22 1. 8:30AM: No Time Waiver Criminal Matters, Arraignments, Emergency Orders
2. 1:15PM: Pelican Bay State Prison No Time Waiver Criminal Matters and Sentencings
3. 3:00PM: New Critical Juvenile Delinquency/Dependency Detentions

23 **DEPARTMENT TWO:**

- 24 1. 9:00AM: No Time Waiver Preliminary Hearings, Arraignments, and Emergency
Criminal Applications and Motions.
2. 2:00PM: No Time Waiver Criminal Sentencings.

25 **DEPARTMENT THREE:**

- 26 1. 1:10PM: In custody criminal arraignments.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FRIDAYS
April 2, 2020 until April 17, 2020

DEPARTMENT ONE:

1. 10:00AM: All critical Civil Case issues, Telephonic Appearances, Emergency Civil Orders and Motions
2. 11:00AM: All critical Probate issues: Telephonic Appearances, Emergency Orders and Motions
3. 1:00PM: Critical Juvenile Dependency Matters and Hearings

DEPARTMENT TWO:

1. 9:00AM: Critical Family Law Matters, Motions, and Emergency Protective and Restraining Orders.
2. 10:00AM: All critical Probate issues: Telephonic Appearances, Emergency Orders and Motions
3. 10:30AM: Critical Emergency Restraining Orders.
4. 2:00PM: Critical Unlawful Detainer and Small Claim Actions.

DEPARTMENT THREE:

1. 1:10PM: In custody criminal arraignments.

DATED: MAR 25 2020



DARREN MCELFRISH
Presiding Judge of the Superior Court
State of California

JUDICIAL COUNCIL OF CALIFORNIA
STATEWIDE ORDER BY HON. TANI G. CANTIL-SAKAUYE,
CHIEF JUSTICE OF CALIFORNIA AND CHAIR OF THE JUDICIAL COUNCIL
MARCH 23, 2020

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus. As of March 23, 2020, the CDC reported that there are more than 40,000 confirmed COVID-19 cases in the United States, and more than 500 deaths. In California, the Department of Public Health reports more than 1,700 confirmed cases and more than 30 deaths. Health officials expect these figures to rise dramatically unless the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this date, there is no known cure or vaccination.

In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Trump declaring a national emergency. Beginning on March 16, 2020, California counties began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption. Schools have been closed statewide.

The CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces.

Courts cannot comply with these health restrictions and continue to operate as they have in the past. Court proceedings require gatherings of court staff, litigants, attorneys, witnesses, and juries, well in excess of the numbers allowed for gathering under current

executive and health orders. Many court facilities in California are ill-equipped to effectively allow the social distancing and other public health requirements required to protect people involved in court proceedings and prevent the further spread of COVID-19. Even if court facilities could allow for sufficient social distancing, the closure of schools means that many court employees, litigants, witnesses, and potential jurors cannot leave their homes to attend court proceedings because they must stay home to supervise their children. These restrictions have also made it nearly impossible for courts to assemble juries.

Pursuant to my authority under the California Constitution, article VI, section 6 and Government Code section 68115, and after careful consideration, balancing the constitutional due process rights of parties in both criminal and civil proceedings with the health and safety of these parties, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings, among other considerations, I find good cause to order that:

1. All jury trials are suspended and continued for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
2. The time period provided in Penal Code section 1382 for the holding of a criminal trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
3. The time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
4. All superior courts are authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed rules or rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment. A court adopting any such rule change must provide a copy to Judicial Council staff and post notice of the change prominently on the court's website, along with the effective date of the new or

amended rule. Additionally, the court must immediately distribute the new or amended rule as set forth in rule 10.613(g)(2). No litigant's substantive rights shall be prejudiced for failing to comply with the requirements of a new or amended rule until at least 20 days after the rule change has been distributed.

Courts are urged to timely communicate with attorneys and self-represented litigants regarding the status of pending proceedings.

I reserve the authority to rescind or modify this order, as appropriate, to address changing circumstances. This order may be deemed part of the record in affected cases for purposes of appeal without the need to file the order in each case.

Date: March 23, 2020

Tani G. Cantil-Sakauye

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 epidemic, leading to health and safety concerns resulting in the Superior Court of California, County of Del Norte to operate with a limited staff of employees, and the proclamation of a state of emergency by Governor Gavin Newsom, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of Del Norte County. Upon the request of Presiding Judge Darren McElfresh, it is ordered that the Superior Court of Del Norte County is authorized to do the following:

- Hold sessions anywhere in the county, including in correctional and juvenile detention facilities, from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(1));
- Declare that for the period of March 20, 2020 through April 17, 2020, inclusive, an emergency condition substantially interfered with the public's ability to file papers in a court facility or court facilities, and that such days are deemed holidays for the purpose of computing time for filing papers with the court under sections 12 and 12a of the Code of Civil Procedure (Gov. Code, § 68115(a)(4));
- Declare that March 20, 2020 through April 17, 2020, inclusive, be deemed holidays for purposes of computing time under Penal Code section 825 (time to bring arrested person before magistrate) and Welfare and Institutions Code sections 313 (detention of minor pending dependency proceedings), 315 (detention hearing for minor in custody pending dependency proceedings), 334 (time to hold hearing on dependency petition), 631 (detention of minor in wardship proceedings), 632 (detention hearing for minor in wardship proceedings), 637 (detention rehearing for minor in wardship proceedings), and 657 (hearing on petition to declare minor a ward) (Gov. Code, § 68115(a)(5));
- Extend by not more than 30 days the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial, where the statutory deadline otherwise would expire from

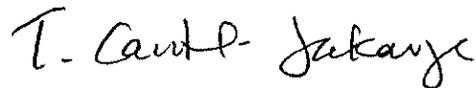
March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(6));

- Extend for up to 30 days, the duration of any restraining order that would otherwise expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(7));
- Extend during the period of March 20, 2020 through April 17, 2020, inclusive, of the time period provided in section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than 15 court days (Gov. Code, § 68115(a)(9));
- Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 30 days in cases in which the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(10));
- Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 5 days, applicable only to cases in which the statutory deadline otherwise would expire on from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(8));
- Extend the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to not more than 5 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));
- Extend the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be given a detention hearing to not more than 5 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));
- Extend the time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony offense must be given a detention hearing or rehearing to not more than 5 days, applicable only

to minors for whom the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(11));

- Extend the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(12));
- Extend the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from March 20, 2020 through April 17, 2020, inclusive (Gov. Code, § 68115(a)(12)).

Date: March 20, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council