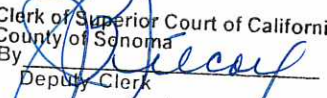


FILED

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA**

APR 16 2020

Clerk of Superior Court of California,
County of Sonoma
By 
Deputy Clerk

In Re:

**Omnibus General Order
of the Presiding Judge re
Court Operations**

On March 16, 2020, and in consideration of the public health crisis currently affecting our state, local, national, and international communities, the Sonoma County Superior Court issued an order limiting access to the Hall of Justice, Civil and Family Courthouse, the Juvenile Justice Center and the Empire Annex.

On March 16, 2020, this Court issued an emergency implementing order under the authority of the March 16, 2020 Order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Sonoma County pursuant to Government Code § 68115.

On March 17, 2020, the County of Sonoma Public Health Officer issued an order directing all individuals living in Sonoma County to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services to mitigate the spread of COVID-19.

On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability.

On March 23, 2020, Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued a statewide order addressing additional issues raised by the ongoing pandemic.

On March 27, 2020, this Court issued a supplemental emergency implementing order under the authority of the March 27, 2020 Order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, pursuant to Government Code § 68115. On March 28, 2020, the Judicial Council of California unanimously approved

recommendations which have been enacted statewide by Order of the Chief Justice on March 30, 2020.

On April 1, 2020 this Court issued a General Order Re: Implementation of Emergency Relief Authorized by Chair of Judicial Council.

On April 6, 2020, the Judicial Council adopted Emergency Rules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the California Rules of Court, which are attached hereto as Exhibit A.

Essential functions of the Superior Court at this time are limited to proceedings that are required to comply with defendants' constitutional rights, protect the health and safety of parties and address jail population concerns.

Protection of public health and safety in connection with the COVID-19 threat has resulted or is expected to result in significant interference with Superior Court services and proceedings.

Accordingly, and for the foregoing reasons, and for good cause shown, this court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

This order supersedes any previous orders of the Court dealing with the same subject herein, and in the event of inconsistencies this order controls.

Court Operations:

Unless the Sonoma County Health Officer's shelter in place order is extended, it is anticipated that all courthouse locations will resume normal business operations on May 4, 2020. Until May 4, 2020, the court is not open to the general public at any of the court locations, and only required persons are allowed access to the courthouses. Between the effective date of this order, and May 3, 2020, the court will continue to provide essential services as outlined in this order. Whether the court locations will reopen is subject to compliance with further orders of the Sonoma County Health Officer.

All persons authorized to enter any court location must comply with all active orders of the Sonoma County Health Officer.

As of April 15, 2020, the respective clerks' offices are filing documents—however the offices remain closed to the public until May 4, 2020.

Juvenile Court Operations:

The Juvenile Court is hearing all matters within the statutory deadlines.

Dependency Court Operations:

The Dependency Court is hearing all matters within the statutory deadlines.

Criminal Division Operations:

Presently, the Criminal division is hearing all in-custody matters, both by in court and by remote video proceedings. In-custody misdemeanor matters are heard at 8:30 am in Department 9 Monday through Friday. In-custody Felony matters are heard in Department 15 at 8:30 am. As of April 15, 2020, in-custody preliminary hearings are being held via remote video proceedings in Department 9, at 1:30 pm.

Petitions for habeas corpus are being filed and processed as they are received.

Continuances of out-of-custody matters calendared between March 16, 2020 and May 3, 2020 are outlined in Exhibit B. Accordingly, all defendants are ordered to appear as provided for in Exhibit B.

If a criminal defendant had a pending case whose Penal Code 1382 speedy trial clock was running as of March 23, 2020 (pursuant to prior emergency orders or any other basis), the last day for trial is now May 22, 2020 pursuant to the California Supreme Court Chief Justice's March 23, 2020 Order extending the time period provided in Penal Code section 1382 for the holding of a criminal trial for a period of sixty (60) days from March 23, 2020. Pursuant to the California Supreme Court Chief Justice's March 30, 2020 order, a Sonoma County Superior Court Judicial Officer may extend the May 22, 2020 speedy trial deadline by an additional sixty (60) days.

If defendant's Penal Code 1382 speedy trial clock did not begin to run until after March 23, 2020, the speedy trial deadline will be determined by statute, but the Judicial Officer in defendant's case may extend the deadline by sixty (60) days pursuant to the California Supreme Chief Justice's March 30, 2020 order.

On April 10, 2020, the Court adopted, effective April 13, 2020 at 5:00 pm, the Emergency Bail Schedule set forth in Emergency Rule 4 of the California Rules of Court. Bail hearings are being held at 3:00 pm in Department 15 via remote video proceeding.

Family Division Operations:

The Family Law Division continues to hear Domestic Violence TROs and Family Law Ex Partes that have been submitted either electronically or via the drop box. These ex partes are being processed on a daily basis. Hearings are scheduled within the current timelines per the Chief Justice. Any continued hearings are being set out approximately 60-90 days. If the previous order has been personally served, then the Court will serve the notice of the new hearing by mail. If it has not been served, the protected party is directed to have the notice served personally.

On April 15, 2020, the Family Law Division will begin the process of resetting all matters, including trial settings, which were calendared between March 16, 2020 and May 3, 2020

On April 15, 2020, the Family Law Division began reviewing, signing, and entering judgments.

Probate Division Operations (Estate and LPS):

For Decedent Estates and Trust matters, the Probate Division is currently hearing emergency ex parte applications. Emergency ex parte applications must be e-filed. There will be no public access until on or after May 4, 2020. However, once documents are being processed starting April 15, 2020, documents such as orders will be returned electronically. Documents that cannot be returned electronically, such as letters, may be picked up on a case by case basis as arranged with the clerk's office.

Estate, trust, conservatorship, and probate guardianship matters that were set on calendars between March 16, 2020 and May 3, 2020, have been continued pursuant to the March 17, 2020, April 14, 2020, AND April 15, 2020 orders. These orders are attached to this order as Exhibit C.

All probate letters and appointments that expired between March 16th and May 3rd were extended to May 29, 2020 by the April 14, 2020 order of the court.

Civil Division Operations:

The Civil Division continues to hear emergency ex parte application every day. Matters that are submitted and not deemed an emergency are returned to the requesting party.

On April 15, 2020, the Civil Division will begin the process of resetting all matters, including trial settings, that were calendared between March 16, 2020 and May 3, 2020 in Departments 16, 17, and 19. Note that Department 18 has issued orders that

have reset matters that were on calendar between March 16, 2020, and May 3, 2020. Department 18's orders are attached hereto as Exhibit C.

Note that pursuant to Emergency Rule 10 of the California Rules of Court, the timelines outlined in Code of Civil Procedure 583.310 and 583.320 were extended for actions filed on or before April 6, 2020 by six months.

Any actions under Code of Civil Procedure, section 725a are stayed pursuant to Emergency Rule 2 of the California Rules of Court.

All unlawful detainer actions are governed by Emergency Rule 1 of the California Rules of Court. Accordingly, if a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made unless the Court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial. Any necessary continuances will be noticed by the Court to all parties.

On April 15, 2020, the Civil Division will begin the process of resetting all Small Claims matters set on calendars between March 16, 2020 and May 3, 2020.

Traffic Division Operations:

As of April 15, 2020, Traffic is filing all citations and trial by declaration.

Traffic matters that were set on calendars between March 16, 2020 and May 3, 2020 will follow the new hearing date schedule as adopted by the Criminal Division, please see Exhibit B. Accordingly, all defendants are ordered to appear as provided for in Exhibit B.

Restraining Orders

Pursuant to Emergency Rule 8 of the California Rules of Court, any emergency protective order made under Family Code section 6250 that is issued or set to expire during the state of emergency, remains in effect for up to 30 days from the date of issuance.

Further, Pursuant to Emergency Rule 8 of the California Rules of Court, any criminal protective order, subject to this rule, set to expire during the state of emergency, is automatically extended for a period of 90 days, or until the matter can be heard, whichever occurs first.

Further, Pursuant to Emergency Rule 8 of the California Rules of Court, any restraining order or protective order after hearing that is set to expire during the state of emergency related to the COVID-19 pandemic is automatically extended for up to 90 days from the date of expiration to enable a protected party to seek a renewal of the restraining order.

IT IS SO ORDERED.

Dated: April/6, 2020

A handwritten signature in blue ink, appearing to read 'Bradford DeMeo', with a long horizontal line extending to the right.

Bradford DeMeo
Presiding Judge of the Superior Court

Emergency Rules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the California Rules of Court are adopted effective April 6, 2020, to read:

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Emergency rule 1. Unlawful detainers

(a) Application

Notwithstanding any other law, including Code of Civil Procedure sections 1166, 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer.

(b) Issuance of summons

A court may not issue a summons on a complaint for unlawful detainer unless the court finds, in its discretion and on the record, that the action is necessary to protect public health and safety.

(c) Entry of default

A court may not enter a default or a default judgment for restitution in an unlawful detainer action for failure of defendant to appear unless the court finds both of the following:

- (1) The action is necessary to protect public health and safety; and
- (2) The defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

(d) Time for trial

If a defendant has appeared in the action, the court may not set a trial date earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial.

(e) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

1 **Emergency rule 2. Judicial foreclosures—suspension of actions**

2
3 Notwithstanding any other law, this rule applies to any action for foreclosure on a
4 mortgage or deed of trust brought under chapter 1, title 10, of part 2 of the Code of Civil
5 Procedure, beginning at section 725a, including any action for a deficiency judgment, and
6 provides that, until 90 days after the Governor declares that the state of emergency
7 related to the COVID-19 pandemic is lifted, or until this rule is amended or repealed by
8 the Judicial Council:

- 9
10 (1) All such actions are stayed, and the court may take no action and issue no
11 decisions or judgments unless the court finds that action is required to further the
12 public health and safety.
13
14 (2) Any statute of limitations for filing such an action is tolled.
15
16 (3) The period for electing or exercising any rights under that chapter, including
17 exercising any right of redemption from a foreclosure sale or petitioning the court
18 in relation to such a right, is extended.
19
20

21 **Emergency rule 3. Use of technology for remote appearances**

22
23 **(a) Remote appearances**

24
25 Notwithstanding any other law, in order to protect the health and safety of the public,
26 including court users, both in custody and out of custody defendants, witnesses, court
27 personnel, judicial officers, and others, courts must conduct judicial proceedings and
28 court operations as follows:

- 29
30 (1) Courts may require that judicial proceedings and court operations be
31 conducted remotely.
32
33 (2) In criminal proceedings, courts must receive the consent of the defendant to
34 conduct the proceeding remotely and otherwise comply with emergency rule
35 5. Notwithstanding Penal Code sections 865 and 977 or any other law, the
36 court may conduct any criminal proceeding remotely. As used in this rule,
37 “consent of the defendant” means that the consent of the defendant is
38 required only for the waiver of the defendant’s appearance as provided in
39 emergency rule 5. For good cause shown, the court may require any witness
40 to personally appear in a particular proceeding.
41
42 (3) Conducting proceedings remotely includes, but is not limited to, the use of
43 video, audio, and telephonic means for remote appearances; the electronic

1 exchange and authentication of documentary evidence; e-filing and e-service;
2 the use of remote interpreting; and the use of remote reporting and electronic
3 recording to make the official record of an action or proceeding.
4

5 **(b) Sunset of rule**
6

7 This rule will remain in effect until 90 days after the Governor declares that the
8 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
9 repealed by the Judicial Council.
10

11
12 **Emergency rule 4. Emergency Bail Schedule**
13

14 **(a) Purpose**
15

16 Notwithstanding any other law, this rule establishes a statewide Emergency Bail
17 Schedule, which is intended to promulgate uniformity in the handling of certain
18 offenses during the state of emergency related to the COVID-19 pandemic.
19

20 **(b) Mandatory application**
21

22 No later than 5 p.m. on April 13, 2020, each superior court must apply the
23 statewide Emergency Bail Schedule:
24

25 (1) To every accused person arrested and in pretrial custody.
26

27 (2) To every accused person held in pretrial custody.
28

29 **(c) Setting of bail and exceptions**
30

31 Under the statewide Emergency Bail Schedule, bail for all misdemeanor and felony
32 offenses must be set at \$0, with the exception of only the offenses listed below:
33

34 (1) A serious felony, as defined in Penal Code section 1192.7(c), or a violent
35 felony, as defined in Penal Code section 667.5(c);
36

37 (2) A felony violation of Penal Code section 69;
38

39 (3) A violation of Penal Code section 166(c)(1);
40

41 (4) A violation of Penal Code section 136.1 when punishment is imposed under
42 section 136.1(c);
43

Exhibit A

- 1 (5) A violation of Penal Code section 262;
- 2
- 3 (6) A violation of Penal Code sections 243(e)(1) or 273.5;
- 4
- 5 (7) A violation of Penal Code section 273.6 if the detained person made threats
- 6 to kill or harm, has engaged in violence against, or has gone to the residence
- 7 or workplace of, the protected party;
- 8
- 9 (8) A violation of Penal Code section 422 where the offense is punished as a
- 10 felony;
- 11
- 12 (9) A violation of Penal Code section 646.9;
- 13
- 14 (10) A violation of an offense listed in Penal Code section 290(c);
- 15
- 16 (11) A violation of Vehicle Code sections 23152 or 23153;
- 17
- 18 (12) A felony violation of Penal Code section 463; and
- 19
- 20 (13) A violation of Penal Code section 29800.

21

22 **(d) Ability to deny bail**

23

24 Nothing in the Emergency Bail Schedule restricts the ability of the court to deny

25 bail as authorized by article I, section 12, or 28(f)(3) of the California Constitution.

26

27 **(e) Application of countywide bail schedule**

28

- 29 (1) The current countywide bail schedule of each superior court must remain in
- 30 effect for all offenses listed in exceptions (1) through (13) of the Emergency
- 31 Bail Schedule, including any count-specific conduct enhancements and any
- 32 status enhancements.
- 33
- 34 (2) Each superior court retains the authority to reduce the amount of bail listed in
- 35 the court's current countywide bail schedule for offenses in exceptions (1)
- 36 through (13), or for any offenses not in conflict with the Emergency Bail
- 37 Schedule.
- 38
- 39
- 40
- 41
- 42

1 **(f) Bail for violations of post-conviction supervision**

- 2
- 3 (1) Under the statewide Emergency Bail Schedule, bail for all violations of
- 4 misdemeanor probation, whether the arrest is with or without a bench
- 5 warrant, must be set at \$0.
- 6
- 7 (2) Bail for all violations of felony probation, parole, post-release community
- 8 supervision, or mandatory supervision, must be set in accord with the
- 9 statewide Emergency Bail Schedule, or for the bail amount in the court's
- 10 countywide schedule of bail for charges of conviction listed in exceptions (1)
- 11 through (13), including any enhancements.
- 12

13 **(g) Sunset of rule**

14

15 This rule will remain in effect until 90 days after the Governor declares that the

16 state of emergency related to the COVID-19 pandemic is lifted, or until amended or

17 repealed by the Judicial Council.

18

19

20 **Emergency rule 5. Personal appearance waivers of defendants during health**

21 **emergency**

22

23 **(a) Application**

24

25 Notwithstanding any other law, including Penal Code sections 865 and 977, this

26 rule applies to all criminal proceedings except cases alleging murder with special

27 circumstances and cases in which the defendant is currently incarcerated in state

28 prison, as governed by Penal Code section 977.2.

29

30 **(b) Types of personal appearance waivers**

- 31
- 32 (1) With the consent of the defendant, the court must allow a defendant to waive
- 33 his or her personal appearance and to appear remotely, either through video
- 34 or telephonic appearance, when the technology is available.
- 35
- 36 (2) With the consent of the defendant, the court must allow a defendant to waive
- 37 his or her appearance and permit counsel to appear on his or her behalf. The
- 38 court must accept a defendant's waiver of appearance or personal appearance
- 39 when:
- 40
- 41 (A) Counsel for the defendant makes an on the record oral representation
- 42 that counsel has fully discussed the waiver and its implications with the

Exhibit A

1 defendant and the defendant has authorized counsel to proceed as
2 counsel represents to the court;

3
4 (B) Electronic communication from the defendant as confirmed by
5 defendant's counsel; or

6
7 (C) Any other means that ensures the validity of the defendant's waiver.
8

9 **(c) Consent by the defendant**

10
11 (1) For purposes of arraignment and entry of a not guilty plea, consent means a
12 knowing, intelligent, and voluntary waiver of the right to appear personally in
13 court. Counsel for the defendant must state on the record at each applicable
14 hearing that counsel is proceeding with the defendant's consent.
15

16 (2) For purposes of waiving time for a preliminary hearing, consent also means a
17 knowing, intelligent, and voluntary waiver of the right to hold a preliminary
18 hearing within required time limits specified either in Penal Code section
19 859b or under emergency orders issued by the Chief Justice and Chair of the
20 Judicial Council.
21

22 (3) The court must accept defense counsel's representation that the defendant
23 understands and agrees with waiving any right to appear unless the court has
24 specific concerns in a particular matter about the validity of the waiver.
25

26 **(d) Appearance through counsel**

27
28 (1) When counsel appears on behalf of a defendant, courts must allow counsel to
29 do any of the following:

30
31 (A) Waive reading and advisement of rights for arraignment.

32
33 (B) Enter a plea of not guilty.

34
35 (C) Waive time for the preliminary hearing.
36

37 (2) For appearances by counsel, including where the defendant is either
38 appearing remotely or has waived his or her appearance and or counsel is
39 appearing by remote access, counsel must confirm to the court at each
40 hearing that the appearance by counsel is made with the consent of the
41 defendant.
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(e) Conduct of remote hearings

- (1) With the defendant's consent, a defendant may appear remotely for any pretrial criminal proceeding.
- (2) Where a defendant appears remotely, counsel may not be required to be personally present with the defendant for any portion of the criminal proceeding provided that the audio and/or video conferencing system or other technology allows for private communication between the defendant and his or her counsel. Any private communication is confidential and privileged under Evidence Code section 952.

(f) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

Emergency rule 6. Emergency orders: juvenile dependency proceedings

(a) Application

This rule applies to all juvenile dependency proceedings filed or pending until the state of emergency related to the COVID-19 pandemic is lifted.

(b) Essential hearings and orders

The following matters should be prioritized in accordance with existing statutory time requirements.

- (1) Protective custody warrants filed under Welfare and Institutions Code section 340.
- (2) Detention hearings under Welfare and Institutions Code section 319. The court is required to determine if it is contrary to the child's welfare to remain with the parent, whether reasonable efforts were made to prevent removal, and whether to vest the placing agency with temporary placement and care.
- (3) Psychotropic medication applications.
- (4) Emergency medical requests.

- 1 (5) A petition for reentry of a nonminor dependent.
2
- 3 (6) Welfare and Institutions Code section 388 petitions that require an immediate
4 response based on the health and safety of the child, which should be
5 reviewed for a prima facie showing of change of circumstances sufficient to
6 grant the petition or to set a hearing. The court may extend the final ruling on
7 the petition beyond 30 days.
8
- 9 **(c) Foster care hearings and continuances during the state of emergency**
10
- 11 (1) A court may hold any proceeding under this rule via remote technology
12 consistent with rule 5.531 and emergency rule 3.
13
- 14 (2) At the beginning of any hearing at which one or more participants appears
15 remotely, the court must admonish all the participants that the proceeding is
16 confidential and of the possible sanctions for violating confidentiality.
17
- 18 (3) The child welfare agency is responsible for notice of remote hearings unless
19 other arrangements have been made with counsel for parents and children.
20 Notice is required for all parties and may include notice by telephone or other
21 electronic means. The notice must also include instructions on how to
22 participate in the court hearing remotely.
23
- 24 (4) Court reports
25
- 26 (A) Attorneys for parents and children must accept service of the court
27 report electronically.
28
- 29 (B) The child welfare agency must ensure that the parent and the child
30 receive a copy of the court report on time.
31
- 32 (C) If a parent or child cannot receive the report electronically, the child
33 welfare agency must deliver a hard copy of the report to the parent and
34 the child on time.
35
- 36 (5) Nothing in this subdivision prohibits the court from making statutorily
37 required findings and orders, by minute order only and without a court
38 reporter, by accepting written stipulations from counsel when appearances
39 are waived if the stipulations are confirmed on the applicable Judicial
40 Council forms or equivalent local court forms.
41
- 42 (6) If a court hearing cannot occur either in the courthouse or remotely, the
43 hearing may be continued up to 60 days, except as otherwise specified.

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(A) A dispositional hearing under Welfare and Institutions Code section 360 should not be continued more than 6 months after the detention hearing without review of the child’s circumstances. In determining exceptional circumstances that justify holding the dispositional hearing more than 6 months after the child was taken into protective custody, the impact of the state of emergency related to the COVID-19 pandemic must be considered.

- i. If the dispositional hearing is continued more than 6 months after the start date of protective custody, a review of the child must be held at the 6-month date. At the review, the court must determine the continued necessity for and appropriateness of the placement; the extent of compliance with the case plan or available services that have been offered; the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement; and the projected likely date by which the child may return home or placed permanently.
- ii. The court may continue the matter for a full hearing on all dispositional findings and orders.

(B) A judicial determination of reasonable efforts must be made within 12 months of the date a child enters foster care to maintain a child’s federal title IV-E availability. If a permanency hearing is continued beyond the 12-month date, the court must review the case to determine if the agency has made reasonable efforts to return the child home or arrange for the child to be placed permanently. This finding can be made without prejudice and may be reconsidered at a full hearing.

(7) During the state of emergency related to the COVID-19 pandemic, previously authorized visitation must continue, but the child welfare agency is to determine the manner of visitation to ensure that the needs of the family are met. If the child welfare agency changes the manner of visitation for a child and a parent or legal guardian in reunification, or for the child and a sibling(s), or a hearing is pending under Welfare and Institutions Code section 366.26, the child welfare agency must notify the attorneys for the children and parents within 5 court days of the change. All changes in manner of visitation during this time period must be made on a case by case basis, balance the public health directives and best interest of the child, and take into consideration whether in-person visitation may continue to be held safely. Family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during

1 times of crisis. Visitation may only be suspended if a detriment finding is
2 made in a particular case based on the facts unique to that case. A detriment
3 finding must not be based solely on the existence of the impact of the state of
4 emergency related to the COVID-19 pandemic or related public health
5 directives.

6
7 (A) The attorney for the child or parent may ask the juvenile court to
8 review the change in manner of visitation. The child or parent has the
9 burden of showing that the change is not in the best interest of the child
10 or is not based on current public health directives.

11
12 (B) A request for the court to review the change in visitation during this
13 time period must be made within 14 court days of the change. In
14 reviewing the change in visitation, the court should take into
15 consideration the factors in (c)(7).

16
17 **(d) Sunset of rule**

18
19 This rule will remain in effect until 90 days after the Governor declares that the
20 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
21 repealed by the Judicial Council.

22
23 **Advisory Committee Comment**

24
25 When courts are unable to hold regular proceedings because of an emergency that has resulted in
26 an order as authorized under Government Code section 68115, federal timelines do not stop.
27 Circumstances may arise where reunification services to the parent, including visitation, may not
28 occur or be provided. The court must consider the circumstances of the emergency when deciding
29 whether to extend or terminate reunification services and whether services were reasonable given
30 the state of the emergency. (Citations: 42 U.S.C. § 672(a)(1)–(2), (5); 45 CFR § 1355.20; 45 CFR
31 § 1356.21 (b) – (d); 45 C.F.R. § 1356.71(d)(1)(iii); Child Welfare Policy Manual, 8.3A.9 Title
32 IV-E, Foster Care Maintenance Payments Program, Reasonable efforts, Question 2
33 (www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=92)); Letter dated March 27, 2020, from Jerry Milner, Associate Commissioner, Children’s
34 Bureau, Administration for Children and Families, U.S. Department of Health and Human
35 Services.)
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1 **Emergency rule 7. Emergency orders: juvenile delinquency proceedings**

2
3 **(a) Application**

4
5 This rule applies to all proceedings in which a petition has been filed under Welfare
6 and Institutions Code section 602 in which a hearing would be statutorily required
7 during the state of emergency related to the COVID-19 pandemic.

8
9 **(b) Juvenile delinquency hearings and orders during the state of emergency**

10
11 (1) A hearing on a petition for a child who is in custody under Welfare and
12 Institutions Code section 632 or 636 must be held within the statutory
13 timeframes as modified by an order of the court authorized by Government
14 Code section 68115. The court must determine if it is contrary to the welfare
15 of the child to remain in the home, whether reasonable services to prevent
16 removal occurred, and whether to place temporary placement with the
17 probation agency if the court will be keeping the child detained and out of the
18 home.

19
20 (2) If a child is detained in custody and an in-person appearance is not feasible
21 due to the state of emergency, courts must make reasonable efforts to hold
22 any statutorily required hearing for that case via remote appearance within
23 the required statutory time frame and as modified by an order of the court
24 authorized under Government Code section 68115 for that proceeding. If a
25 remote proceeding is not a feasible option for such a case during the state of
26 emergency, the court may continue the case as provided in (d) for the
27 minimum period of time necessary to hold the proceedings.

28
29 (3) Without regard to the custodial status of the child, the following hearings
30 should be prioritized during the state of emergency related to the COVID-19
31 pandemic:

32
33 (A) Psychotropic medication applications.

34
35 (B) All emergency medical requests.

36
37 (C) A petition for reentry of a nonminor dependent.

38
39 (D) A hearing on any request for a warrant for a child.

40
41 (E) A probable cause determination for a child who has been detained but
42 has not had a detention hearing within the statutory time limits.

43

1 (4) Notwithstanding any other law, and except as described in (5), during the
2 state of emergency related to the COVID-19 pandemic, the court may
3 continue for good cause any hearing for a child not detained in custody who
4 is subject to its juvenile delinquency jurisdiction until a date after the state of
5 emergency has been lifted considering the priority for continued hearings in
6 (d).

7
8 (5) For children placed in foster care under probation supervision, a judicial
9 determination of reasonable efforts must be made within 12 months of the
10 date the child enters foster care to maintain a child's federal title IV-E
11 availability. If a permanency hearing is continued beyond the 12-month date,
12 the court must nevertheless hold a review to determine if the agency has
13 made reasonable efforts to return the child home or place the child
14 permanently. This finding can be made without prejudice and may be
15 reconsidered at a full hearing.

16
17 **(c) Proceedings with remote appearances during the state of emergency.**

18
19 (1) A court may hold any proceeding under this rule via remote technology
20 consistent with rule 5.531 and emergency rule 3.

21
22 (2) At the beginning of any hearing conducted with one or more participants
23 appearing remotely, the court must admonish all the participants that the
24 proceeding is confidential and of the possible sanctions for violating
25 confidentiality.

26
27 (3) The court is responsible for giving notice of remote hearings, except for
28 notice to a victim, which is the responsibility of the prosecuting attorney or
29 the probation department. Notice is required for all parties and may include
30 notice by telephone or other electronic means. The notice must also include
31 instructions on how to participate in the hearing remotely.

32
33 (4) During the state of emergency, the court has broad discretion to take evidence
34 in the manner most compatible with the remote hearing process, including
35 but not limited to taking testimony by written declaration. If counsel for a
36 child or the prosecuting attorney objects to the court's evidentiary
37 procedures, that is a basis for issuing a continuance under (d).

38
39 **(d) Continuances of hearings during the state of emergency.**

40
41 Notwithstanding any other law, the court may for good cause continue any hearing
42 other than a detention hearing for a child who is detained in custody. In making this
43 determination, the court must consider the custody status of the child, whether there

1 are evidentiary issues that are contested, and, if so, the ability for those issues to be
2 fairly contested via a remote proceeding.

3
4 **(e) Extension of time limits under Welfare and Institutions Code section 709**

5
6 In any case in which a child has been found incompetent under Welfare and
7 Institutions Code section 709 and that child is eligible for remediation services or
8 has been found to require secure detention, any time limits imposed by section 709
9 for provision of services or for secure detention are tolled for the period of the state
10 of emergency if the court finds that remediation services could not be provided
11 because of the state of emergency.

12
13 **(f) Sunset of rule**

14
15 This rule will remain in effect until 90 days after the Governor declares that the
16 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
17 repealed by the Judicial Council.

18
19 **Advisory Committee Comment**

20
21 This emergency rule is being adopted in part to ensure that detention hearings for
22 juveniles in delinquency court must be held in a timely manner to ensure that no child is
23 detained who does not need to be detained to protect the child or the community. The
24 statutory scheme for juveniles who come under the jurisdiction of the delinquency court
25 is focused on the rehabilitation of the child and thus makes detention of a child the
26 exceptional practice, rather than the rule. Juvenile courts are able to use their broad
27 discretion under current law to release detained juveniles to protect the health of those
28 juveniles and the health and safety of the others in detention during the current state of
29 emergency related to the COVID-19 pandemic.

30
31
32 **Emergency rule 8. Emergency orders: temporary restraining or protective orders**

33
34 **(a) Application**

35
36 Notwithstanding any other law, this rule applies to any emergency protective order,
37 temporary restraining order, or criminal protective order that was requested, issued,
38 or set to expire during the state of emergency related to the COVID-19 pandemic.
39 This includes requests and orders issued under Family Code sections 6250 or 6300,
40 Code of Civil Procedure sections 527.6, 527.8, or 527.85, Penal Code sections
41 136.2, 18125 or 18150, or Welfare and Institutions Code sections 213.5, 304,
42 362.4, or 15657.03, and including any of the foregoing orders issued in connection
43 with an order for modification of a custody or visitation order issued pursuant to a

1 dissolution, legal separation, nullity, or parentage proceeding under Family Code
2 section 6221.

3
4 **(b) Duration of orders**

5
6 (1) Any emergency protective order made under Family Code section 6250 that
7 is issued or set to expire during the state of emergency, must remain in effect
8 for up to 30 days from the date of issuance.

9
10 (2) Any temporary restraining order or gun violence emergency protective order,
11 issued or set to expire during the state of emergency related to the COVID-19
12 pandemic, must be continued for a period of time that the court determines is
13 sufficient to allow for a hearing on the long-term order to occur, for up to 90
14 days.

15
16 (3) Any criminal protective order, subject to this rule, set to expire during the
17 state of emergency, must be automatically extended for a period of 90 days,
18 or until the matter can be heard, whichever occurs first.

19
20 (4) Any restraining order or protective order after hearing that is set to expire
21 during the state of emergency related to the COVID-19 pandemic must be
22 automatically extended for up to 90 days from the date of expiration to enable
23 a protected party to seek a renewal of the restraining order.

24
25 **(c) Ex parte requests**

26
27 (1) Courts must provide a means for the filing of ex parte requests for temporary
28 restraining orders. Courts may do so by providing a physical location, drop
29 box, or, if feasible, through electronic means.

30
31 (2) Any ex parte request may be filed using an electronic signature by a party or
32 a party's attorney.

33
34 **(d) Service of Orders**

35
36 If a respondent appears at a hearing by video, audio, or telephonically, and the
37 court grants an order, in whole or in part, no further service is required upon the
38 respondent for enforcement of the order, provided that the court follows the
39 requirements of Family Code section 6384.

40
41
42

1 **(e) Entry of orders into California Law Enforcement Telecommunications System**

2
3
4 Any orders issued by a court modifying the duration or expiration date of orders
5 subject to this rule, must be transmitted to the Department of Justice through the
6 California Law Enforcement Telecommunications System (CLETS), as provided in
7 Family Code section 6380, without regard to whether they are issued on Judicial
8 Council forms, or in another format during the state of emergency.
9

10
11 **Emergency rule 9. Toll the statutes of limitations for civil causes of action**

12
13 Notwithstanding any other law, the statutes of limitation for civil causes of action are
14 tolled from April 6, 2020, until 90 days after the Governor declares that the state of
15 emergency related to the COVID-19 pandemic is lifted.
16

17
18 **Emergency rule 10. Extensions of time in which to bring a civil action to trial**

19
20 **(a) Extension of five years in which to bring a civil action to trial**

21
22 Notwithstanding any other law, including Code of Civil Procedure section 583.310,
23 for all civil actions filed on or before April 6, 2020, the time in which to bring the
24 action to trial is extended by six months for a total time of five years and six
25 months.
26

27 **(b) Extension of three years in which to bring a new trial**

28
29 Notwithstanding any other law, including Code of Civil Procedure section 583.320,
30 for all civil actions filed on or before April 6, 2020, if a new trial is granted in the
31 action, the three years provided in section 583.320 in which the action must again
32 be brought to trial is extended by six months for a total time of three years and six
33 months. Nothing in this subdivision requires that an action must again be brought
34 to trial before expiration of the time prescribed in (a).
35

36
37 **Emergency rule 11. Depositions through remote electronic means**

38
39 **(a) Deponents appearing remotely**

40
41 Notwithstanding any other law, including Code of Civil Procedure section
42 2025.310(a) and (b), and rule 3.1010(c) and (d), a party or nonparty deponent, at

1 their election or the election of the deposing party, is not required to be present
2 with the deposition officer at the time of the deposition.
3

4 **(b) Sunset of rule**
5

6 This rule will remain in effect until 90 days after the Governor declares that the
7 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
8 repealed by the Judicial Council.

Exhibit B

Scheduled Hearing Date	Hearing Date per March 16, 2020 Order	Hearing Date per April 2, 2020 Order
March 16	April 16	May 14
March 17	April 17	May 15
March 18	April 20	May 18
March 19	April 21	May 19
March 20	April 22	May 20
March 23	April 23	May 21
March 24	April 24	May 22
March 25	April 27	May 26
March 26	April 28	May 26
March 27	April 29	May 27
March 30	April 30	May 28
March 31	N/A	N/A

Exhibit B

Scheduled Hearing Date	Hearing Date per March 24, 2020 Order	Hearing Date per April 2, 2020 Order
April 1	April 29	May 27
April 2	April 30	May 28
April 3	May 1	May 29
April 6	May 4	N/A
April 7	May 5	N/A

Exhibit B

Scheduled Hearing Date		Hearing Date per April 2, 2020 Order
April 8		May 6
April 9		May 7
April 10		May 8
April 13		May 11
April 14		May 12
April 15		May 13
April 16		May 14
April 17		May 15
April 20		May 18
April 21		May 19
April 22		May 20
April 23		May 21
April 24		May 22
April 27		May 26
April 28		May 26
April 29		May 27
April 30		May 28
May 1		May 29

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Hon. Bradford Demeo
Presiding Judge
Sonoma County Superior Judge
3055 Cleveland Avenue
Santa Rosa, CA 95403
(707) 521-6602

FILED

MAR 17 2020

Clerk of Superior Court of California,
County of Sonoma
By [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Order Rescheduling
Dept. 18 Matters

Exercising the authority granted under Government Code section 68115 and the March 16, 2020 Order (“Order”) of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Sonoma County (“Court”), **March 16, 2020 through March 31, 2020** have been declared judicial holidays pursuant to Government Code, section 68115. As a result and for good cause showing, **Dept. 18 matters, are being continued as follows:**

[Continued on Next Page]

Exhibit C

Date Case was Originally Set	Calendar Type	Original Time	New Date	New Time
3/16/20	Small Claims	9:00 a.m.	6/1/20	9:00 a.m.
3/17/20	CMC	3:00 p.m.	7/28/20	3:00 p.m.
3/17/20	OSC	3:30 p.m.	7/28/20	3:30 p.m.
3/18/20	Law & Motion	3:00 p.m.	5/20/20	3:00 p.m.
3/18/20	Name Changes	3:00 p.m.	5/20/20	3:00 p.m.
3/19/20	Probate CMC	3:00 p.m.	6/25/20	3:00 p.m.
3/20/20	Trial Readiness	8:30 a.m.	9/4/20	8:30 p.m.
3/20/20	Estates	9:30 a.m.	4/24/20	9:30 a.m.
3/20/20	Conservatorships	9:30 a.m.	4/24/20	9:30 a.m.
3/20/20	Trusts	9:30 a.m.	6/5/20	9:30 a.m.
3/24/20	CMC	3:00 p.m.	8/4/20	3:00 p.m.
3/24/20	OSC	3:30 p.m.	8/4/20	3:30 p.m.
3/25/20	Law & Motion	3:00 p.m.	5/29/20	1:30 p.m.
3/25/20	Name Changes	3:00 p.m.	5/29/20	1:30 p.m.
3/26/20	Probate CMC	3:00 p.m.	7/2/20	3:00 p.m.
3/27/20	Trial Readiness	8:30 a.m.	9/11/20	8:30 a.m.
3/27/20	Estates	9:30 a.m.	5/1/20	9:30 a.m.
3/27/20	Conservatorships	9:30 a.m.	5/1/20	9:30 a.m.
3/27/20	Trusts	9:30 a.m.	6/12/20	9:30 a.m.
4/1/20	Law & Motion	3:00 p.m.	6/3/20	3:00 p.m.
4/1/20	Name Changes	3:00 p.m.	6/3/20	3:00 p.m.
4/2/20	Probate CMC	3:00 p.m.	7/9/20	3:00 p.m.
4/3/20	Trial Readiness	8:30 a.m.	9/18/20	8:30 a.m.
4/3/20	Estates	9:30 a.m.	5/8/20	9:30 a.m.
4/3/20	Conservatorships	9:30 a.m.	5/8/20	9:30 a.m.
4/3/20	Trusts	9:30 a.m.	6/19/20	9:30 a.m.

Exhibit C

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4/7/20	CMC	3:00 p.m.	8/11/20	3:00 p.m.
4/7/20	OSC	3:30 p.m.	8/11/20	3:30 p.m.
4/7/20	Special Set Motion	4:00 p.m.	8/11/20	4:00 p.m.
4/8/20	Law & Motion	3:00 p.m.	6/10/20	3:00 p.m.
4/8/20	Name Changes	3:00 p.m.	6/10/20	3:00 p.m.
4/9/20	Probate CMC	3:00 p.m.	7/16/20	3:00 p.m.
4/10/20	Trial Readiness	8:30 a.m.	9/25/20	8:30 p.m.
4/10/20	Estates	9:30 a.m.	5/15/20	9:30 a.m.
4/10/20	Conservatorships	9:30 a.m.	5/15/20	9:30 a.m.
4/10/20	Trusts	9:30 a.m.	6/26/20	9:30 a.m.

Republication will not be necessary due solely to the continuance as all future dates are readily available for reference to anyone wishing to appear in response to original publication.

IT IS SO ORDERED.

DATED: *March 17, 2020*

Bradford Demeo
Presiding Judge

HON. JENNIFER V. DOLLARD
JUDGE OF THE SUPERIOR COURT
Courtroom 18
3055 Cleveland Avenue
Santa Rosa, CA 95403
(707) 521-6730

FILED

APR 14 2020

Clerk of Superior Court of California,
County of Sonoma
By 
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

**Second Extension of Expiring Probate Letters
and Second Order Rescheduling Department 18
Matters due to Court Closure**

Exercising the authority granted under Government Code section 68115 and the March 16, 2020 Order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Sonoma County (“Court”), and the Chief Justice’s Order of March 23, 2020, and the Order of the Presiding Judge of the Court issued March 16, 2020, and as amended March 24, 2020 and April 1, 2020, and pursuant to the inherent authority of the Court, and its authority under Code of Civil Procedure, section 128, and for good cause showing, all special and temporary letters issued in estates, and guardianships/conservatorships (of the person and estate) that would otherwise have expired during the period of March 16, 2020 through May 3, 2020, are hereby extended to May 29, 2020 or further order of the Court. In light of the court closure, new original letters for this extended period are not available before the court reopens May 4, 2020, and shall not be issued before that time. Parties may instead rely on this order posted to

1 the Court's public website. In addition, for good cause shown, the matters below presently
2 scheduled in Department 18 of the Court are continued as follows:

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6 [Continued on Next Page]

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Exhibit C


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Date Originally Set	Calendar Type	Original Time	1st Re-Calendar Date	1st Re-Calendar Time	2d Re-Calendar Date	2d Re-Calendar Time
3/20/20	Estates	9:30 a.m.	4/24/20	9:30 a.m.	5/22/20	9:30 a.m.
3/20/20	Conservatorships	9:30 a.m.	4/24/20	9:30 a.m.	5/22/20	9:30 a.m.
3/27/20	Estates	9:30 a.m.	5/1/20	9:30 a.m.	5/29/20	9:30 a.m.
3/27/20	Conservatorships	9:30 a.m.	5/1/20	9:30 a.m.	5/29/20	9:30 a.m.
4/3/20	Estates	9:30 a.m.	5/8/20	9:30 a.m.	6/5/20	9:30 a.m.
4/3/20	Conservatorships	9:30 a.m.	5/8/20	9:30 a.m.	6/5/20	9:30 a.m.
5/4/20	Small Claims	9:00 a.m.	6/15/20	9:00 a.m.		
5/5/20	CMC	3:00 p.m.	8/18/20	3:00 a.m.		
5/5/20	OSC	3:30 p.m.	8/18/20	3:30 p.m.		
5/6/20	Law & Motion	3:00 p.m.	6/17/20	3:00 p.m.		
5/7/20	Probate CMC	3:00 p.m.	7/23/20	3:00 p.m.		
5/8/20	Trial Readiness	8:30 a.m.	10/2/20	8:30 a.m.		
5/8/20	Estates	9:30 a.m.	6/12/20	9:30 a.m.		
5/8/20	Conservatorships	9:30 a.m.	6/12/20	9:30 a.m.		
5/8/20	Trusts	9:30 a.m.	7/10/20	9:30 a.m.		
5/15/20	Trial Readiness	8:30 a.m.	10/9/20	8:30 a.m.		
5/22/20	Trial Readiness	8:30 a.m.	10/16/20	8:30 a.m.		

1 Republication will not be necessary due solely to the continuance as all future dates are readily
2 available for reference to anyone wishing to appear in response to original publication.
3

4 IT IS SO ORDERED.
5

6 Dated: April 14, 2020
7


8 JENNIFER V. DOLLARD
9 Judge of the Superior Court
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HON. JENNIFER V. DOLLARD
JUDGE OF THE SUPERIOR COURT
Courtroom 18
3055 Cleveland Avenue
Santa Rosa, CA 95403
(707) 521-6730

FILED

APR 15 2020

Clerk of Superior Court of California,
County of Sonoma
By: 
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

**Third Order Rescheduling Department 18
Matters due to Court Closure
(Affecting Cases Originally set
4/14/20 – 5/1/20)**

Exercising the authority granted under Government Code section 68115 and the March 16, 2020 Order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 16, 2020 request for an emergency order made by the Superior Court of Sonoma County (“Court”), and the Chief Justice’s Order of March 23, 2020, and the Order of the Presiding Judge of the Court issued March 16, 2020, and as amended March 24, 2020 and April 1, 2020, and pursuant to the inherent authority of the Court, and its authority under Code of Civil Procedure, section 128, and for good cause shown, the matters below presently scheduled in Department 18 of the Court are continued as follows:

[Continued on Next Page]

Exhibit C

	Date Case was Originally Set	Calendar Type	Original Time	New Date	New Time
1					
2	4/13/20	Small Claims	9:00 a.m.	6/29/20	9:00 a.m.
3	4/14/20	CMC	3:00 p.m.	8/25/20	3:00 p.m.
4	4/14/20	OSC	3:30 p.m.	8/25/20	3:30 p.m.
5	4/14/20	Minor's Comp	4:00 p.m.	7/14/20	4:00 p.m.
6	4/15/20	Law & Motion	3:00 p.m.	6/24/20	3:00 p.m.
7	4/15/20	Name Changes	3:00 p.m.	6/24/20	3:00 p.m.
8	4/16/20	Probate CMC	3:00 p.m.	6/25/20	3:00 p.m.
9	4/17/20	Trial Readiness	8:30 a.m.	10/23/20	8:30 a.m.
10	4/17/20	Estates	9:30 a.m.	6/19/20	9:30 a.m.
11	4/17/20	Conservatorships	9:30 a.m.	6/19/20	9:30 a.m.
12	4/17/20	Trusts	9:30 a.m.	7/17/20	9:30 a.m.
13	4/21/20	CMC	3:00 p.m.	9/1/20	3:00 p.m.
14	4/21/20	OSC	3:30 p.m.	9/1/20	3:30 p.m.
15	4/22/20	Law & Motion	3:00 p.m.	7/1/20	3:00 p.m.
16	4/22/20	Name Changes	3:00 p.m.	7/1/20	3:00 p.m.
17	4/23/20	Probate CMC	3:00 p.m.	7/2/20	3:00 p.m.
18	4/24/20	Trial Readiness	8:30 a.m.	10/30/20	8:30 a.m.
19	4/24/20	Estates	9:30 a.m.	6/26/20	9:30 a.m.
20	4/24/20	Trusts	9:30 a.m.	7/17/20	9:30 a.m.
21	4/28/20	CMC	3:00 p.m.	9/8/20	3:00 p.m.
22	4/28/20	OSC	3:30 p.m.	9/8/20	3:30 p.m.
23	4/29/20	Law & Motion	3:00 p.m.	7/8/20	3:00 p.m.
24	4/29/20	Name Changes	3:00 p.m.	7/8/20	3:00 p.m.
25	4/30/20	Probate CMC	3:00 p.m.	7/9/20	3:00 p.m.
26	5/1/20	Trial Readiness	8:30 a.m.	11/6/20	8:30 a.m.
27					
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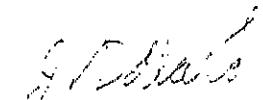
Exhibit C

1	5/1/20	Conservatorships	9:30 a.m.	7/10/20	9:30 a.m.
2	5/1/20	Trusts	9:30 a.m.	7/24/20	9:30 a.m.

3
4 Republication will not be necessary due solely to the continuance as all future dates are readily
5 available for reference to anyone wishing to appear in response to original publication.
6

7 IT IS SO ORDERED.
8

9 Dated: April 15, 2020

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12 JENNIFER V. DOLLARD
13 Judge of the Superior Court
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