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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MADERA

**TENTH GENERAL ORDER RE: MADERA COUNTY SUPERIOR COURT
MITIGATION OF THE SPREAD OF THE CORONAVIRUS (COVID-19)**

This general order supersedes this court’s Eighth General Order.

On March 4, 2020, Governor Newsom issued a proclamation that a state of emergency exists in California as a result of the threat and continuing spread of the coronavirus (COVID-19) in this state.

On March 16, 2020, Governor Newsom issued Executive Order N-28-20 expanding protections for tenants against residential and commercial evictions where the failure of the tenant to pay mortgage or rent payments was related to COVID-19.

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering that all residents heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect the health and well-being of all Californians. Further, “[w]hen people need to leave their homes or places of residence . . . they should at all times practice social distancing.”

On March 23, 2020, Chief Justice Tani G. Cantil-Sakauye, as Chair of the Judicial Council, issued a statewide order modifying specific statutory time limits in criminal and civil proceedings designed to protect the health and safety of litigants, the public, court staff, judicial

1 officers, attorneys, witnesses, jurors and others present at court proceedings.

2 On March 27, 2020, Governor Newsom issued Executive Order N-38-20 suspending
3 limitations on the Chief Justice, as Chairperson of the Judicial Council, imposed by Government
4 Code sections 68115 and 68072, and authorizing the Chief Justice to issue emergency statewide or
5 local rules, amending the California Rules of Court or other applicable court rule, or for
6 implementing any other expedited procedure for amending the California Rules of Court or any
7 other applicable rule to address the COVID-19 pandemic.

8 On March 30, 2020, Chief Justice Tani G. Cantil-Sakauye, as Chair of the Judicial
9 Council, issued a statewide emergency order further extending specific statutory time limits and
10 authorizing trial courts to make use of available technology to protect the health and safety of all
11 persons who use, access and work in the courthouses in California. In so ordering, the Chief
12 Justice reasoned that “[t]he [Centers for Disease Control], the California Department of Public
13 Health and local health departments have recommended increasingly stringent social distancing
14 measures of at least six feet between people, and encouraged vulnerable individuals to avoid
15 public spaces . . . [C]ourts are clearly places with high risks during this pandemic because they
16 require gatherings of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law
17 enforcement, and juries – well in excess of the numbers allowed for gathering under current
18 executive and health orders.”

19 On April 6, 2020, the Judicial Council of California adopted Emergency Rules 1 through
20 11 of the California Rules of Court thereby establishing rules designed to address the specific
21 challenges faced by judicial officers, attorneys and litigants during the current COVID-19 state of
22 emergency.

23 On April 19, 2020, the Judicial Council of California adopted Emergency Rule 13
24 of the California Rules of Court thereby permitting a court to make orders modifying a child,
25 spousal, partner or family support order effective as of the date the request is served by U.S. mail
26 or other valid means.

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1 To address this unprecedented challenge to the operation of the Superior Court of
2 California, County of Madera, to ensure consistency with the orders of the Chief Justice and to
3 balance the constitutional right of due process with the health and safety of court users and court
4 staff, I hereby issue the following general orders:

- 5 1. The court may hold sessions anywhere in the county, including the Madera County
6 Department of Corrections and Madera County Juvenile Detention Facility, between April
7 20, 2020 and May 19, 2020, inclusive.
- 8 2. All civil proceedings, other than jury trials, currently scheduled between April 20, 2020
9 and May 19, 2020, inclusive, are continued for eight weeks from the currently scheduled
10 date.
- 11 3. Consistent with the orders of the Chief Justice, dated March 23 and 30, 2020, all jury trials
12 are suspended and continued for a period of sixty (60) days. Courts may conduct such a
13 trial at an earlier date, upon a finding of good cause shown or through the use of remote
14 technology, when appropriate.
- 15 4. Exceptions to the continuance of all civil proceedings include the following matters:
 - 16 a. requests for temporary civil harassment restraining orders in which unlawful violence
17 or the credible threat of violence has occurred;
 - 18 b. requests for temporary restraining orders to prevent workplace violence;
 - 19 c. requests for temporary restraining orders to prevent elder abuse;
 - 20 d. requests for emergency ex parte probate matters; and
 - 21 e. all statutorily mandated hearings not otherwise affected by this order.
- 22 5. Dates from April 20, 2020 to May 19, 2020, inclusive, are deemed holidays for purposes of
23 computing the time for filing papers with the court under Code of Civil Procedure sections
24 12 and 12a.
- 25 6. The time in which to bring a civil action to trial, as provided for in sections 583.310 and
26 583.320, is extended as set forth in Emergency Rule 10 of the California Rules of Court.

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- 1 7. All civil hearings between April 20, 2020 and May 19, 2020, inclusive, in which parties
2 personally appear in the courthouse, will be heard in the department designated on the date
3 of the hearing. Interested parties and attorneys should review electronic notices in the
4 courthouse atrium to determine department assignment.
- 5 8. All misdemeanor and felony proceedings in which a time waiver has been entered and the
6 defendant is out of custody, that are scheduled between April 20, 2020 and May 19, 2020,
7 inclusive, are continued for eight weeks from the currently scheduled date.
- 8 9. All criminal hearings involving defendants who are not in custody shall be heard in the
9 department designated on the date of the hearing. Interested parties and attorneys who are
10 personally appearing in the courthouse should review electronic notices in the courthouse
11 atrium to determine department assignment.
- 12 10. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period
13 provided in Penal Code section 1382 for the holding of a criminal trial is extended for a
14 period of no more than sixty (60) days from the last date on which the statutory deadline
15 otherwise would have expired. Courts may conduct a trial at an earlier date, upon a finding
16 of good cause shown or through the use of remote technology, when appropriate.
- 17 11. (a) Consistent with Emergency Rule 3 of the California Rules of Court, judicial
18 proceedings and court operations shall be conducted through the use of remote
19 technology, when appropriate.
- 20 (b) In criminal proceedings, the court must receive the *consent of the defendant* to conduct
21 the proceeding remotely. *Consent of the defendant* means that the consent of the
22 defendant is required only for the waiver of defendant's appearance as provided in
23 Emergency rule 5 of the California Rules of Court.
- 24 12. Consistent with Emergency Rule 5 of the California Rules of Court, with the consent of the
25 defendant:
- 26 (a) the court must allow a defendant to waive his or her personal appearance and appear
27 before the court by use of remote technology; and
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1 (b) the court must allow a defendant to waive his or her appearance and permit counsel to
2 appear on his or her behalf.

3 (c) In criminal proceedings, including preliminary hearings, for which a defendant does
4 not consent to waive his or her appearance, and agree that the proceeding be conducted
5 through the use of remote technology, the proceeding shall be continued until the
6 defendant's personal appearance may be safely arranged. No defendants are to be
7 transported from the Madera County Department of Corrections to the court absent an
8 order of the presiding judge or his designee. This order relates specifically to the order
9 of the Public Health Officer, dated March 19, 2020, and Governor Newsom's executive
10 order calling for Californians to maintain appropriate social distancing, as well as the
11 rationale stated by the Chief Justice in her statewide emergency order of March 30,
12 2020, citing the recommendation of the CDC, California Department of Public Health
13 and local county health departments for all persons, including court employees, visitors
14 and users to maintain social distancing of at least six-feet between one another and
15 conduct no gathering in excess of the numbers allowed under current executive and
16 health orders. The purpose of this order is to protect the health and safety of judicial
17 officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement
18 personnel and all others with whom these persons come into contact with throughout
19 the day.

20 13. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period
21 provided in Penal Code section 859b for the holding of a preliminary examination and the
22 defendant's right to release is extended from 10 court days to not more than thirty (30)
23 court days.

24 14. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period
25 provided in Penal Code section 825 within which a defendant charged with a felony
26 offense must be taken before a magistrate is extended from 48 hours to not more than
27 seven (7) days.

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- 1 15. All out-of-custody criminal arraignments that are scheduled between April 20, 2020 and
2 May 19, 2020, are continued for eight weeks from the currently scheduled date.
- 3 16. The time period provided for in Welfare and Institutions Code section 313, within which a
4 minor taken into custody pending dependency proceedings must be released from custody,
5 is extended to not more than five (5) days. This applies only to minors for whom the
6 statutory deadline otherwise would expire between April 20, 2020 and May 19, 2020,
7 inclusive.
- 8 17. The time period provided for in Welfare and Institutions Code section 315, within which a
9 minor taken into custody pending dependency proceedings must be give a detention
10 hearing, is extended to not more than five (5) days. This applies only to minors for whom
11 the statutory deadline otherwise would expire between April 20, 2020 and May 19, 2020,
12 inclusive.
- 13 18. The time period provided for in Welfare and Institutions Code section 334, within which a
14 hearing on a juvenile dependency petition must be held, is extended by not more than
15 fifteen (15) days. This applies only to minors for whom the statutory deadline otherwise
16 would expire between April 20, 2020 and May 19, 2020, inclusive.
- 17 19. The time periods provided for in Welfare and Institutions Code sections 632 and 637,
18 within which a minor taken into custody pending wardship proceedings and charged with a
19 felony offense , must be given a detention hearing or rehearing is extended to not more
20 than five (5) days. This applies only to minors for whom the statutory deadline otherwise
21 would expire between April 20, 2020 and May 19, 2020, inclusive.
- 22 20. The time period provided for in Welfare and Institutions Code section 657, within which a
23 wardship petition for a minor charged with a felony offense must be held, is extended by
24 not more than fifteen (15) days. This applies only to minors for whom the statutory
25 deadline otherwise would expire between April 20, 2020 and May 19, 2020, inclusive.

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- 1 21. All specialty court reviews, including drug court, behavioral health court and veterans'
2 court that are scheduled between April 20, 2020 and May 19, 2020, are continued for eight
3 weeks from the currently scheduled date.
- 4 22. All proceedings in the family law department, including family support proceedings,
5 currently scheduled between April 20, 2020 and May 19, 2020, are continued for eight
6 weeks from the currently scheduled date.
- 7 23. Exceptions to the continuance of all family law proceedings include the following matters:
8 a. requests for restraining orders related to domestic violence;
9 b. temporary guardianship proceedings in which the child's health or safety is at risk.
- 10 24. The duration of any emergency protective order, temporary restraining order, gun violence
11 emergency protective order, criminal protective order and any restraining order or
12 protective order after hearing issued or set to expire during the state of emergency shall
13 remain in effect, be continued and/or automatically extended as set forth in revised
14 Emergency Rule 8 of the California Rules of Court adopted by the Judicial Council of
15 California on April 19, 2020.
- 16 25. All family law hearings between April 20, 2020 and May 19, 2020, will be heard in the
17 department designated on the date of the hearing. Interested parties and attorneys
18 personally appearing in the courthouse should review electronic notices in the courthouse
19 atrium to determine department assignment.
- 20 26. Consistent with Emergency Rule 13 of the California Rules of Court, the court may make
21 an order modifying child, spousal, partner or family support order effective as of the date
22 the request is served by U.S. mail or other valid means of service on the other party or the
23 local child support agency.
- 24 27. Day-of-court mediation services are suspended until further notice.
- 25 28. All mediation services provided by Family Court Services between April 20, 2020
26 and May 19, 2020, shall be conducted telephonically unless in-person mediation is
27 specifically ordered by the court.
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- 1 29. All probate investigations conducted by Family Court Services or the Department of Social
2 Services, including guardianship and conservatorship interviews, between April 20, 2020
3 and May 19, 2020, inclusive, shall be conducted with the use of available technology. All
4 home inspections and in-person interviews are suspended until May 19, 2020.
- 5 30. The self-help office is closed for in-person appointments between April 20, 2020 and May
6 19, 2020, unless specifically ordered by the court.
- 7 31. Notwithstanding Madera County Superior Court, Local Rule 2.4.6, all applications for ex
8 parte relief filed between April 20, 2020 and May 19, 2020, shall be submitted to the court
9 and notice provided to the opposing party as provided for in Rule 3.1204 of the California
10 Rules of Court. A judicial officer will review the application and a judicial assistant will
11 notify the applicant if a court appearance is required. If a hearing date is ordered by the
12 judicial officer, the person applying for ex parte relief must notify the opposing party no
13 later than 10:00 a.m. the court day before the hearing date ordered, unless the judicial
14 officer finds good cause to dispense with such notice.
- 15 32. All hearings in the appellate department that are scheduled between April 20, 2020 and
16 May 19, 2020, are continued for eight weeks from the currently scheduled date.
- 17 33. All traffic trials scheduled on April 20, 2020 through May 19, 2020, inclusive, in which a
18 time waiver has been entered are continued for eight weeks from the currently scheduled
19 date.
- 20 34. Dates for payment of fines or appearance in court on traffic citations between April 20,
21 2020 and May 19, 2020, inclusive, are continued 26 weeks from the date listed on the
22 citation or the courtesy notice, whichever is later.
- 23 35. All payment plans for the payment of fines are extended 60 days before finding the
24 payments delinquent and referring the matters to collections.
- 25 36. All visitors to the courthouse must maintain an appropriate social distance of six feet
26 between the visitor and other persons at all times whether in a courtroom or in common
27 areas.
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37. Consistent with the order of the Chief Justice, dated March 23, 2020, the court is 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 copy of any such rule change must be provided to Judicial Council staff and notice posted of the change prominently on the court's website, along with the effective date of the new amended rule. The court must immediately distribute the new or amended rule as set forth in rule 10.613(g)(2). No litigant's substantive right 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.

38. The court may use available technology, when possible, to conduct judicial proceedings and court operations remotely notwithstanding any rule in the California Rules of Court that would prevent the court from using such technology for judicial proceedings.

39. With the exception of the statewide orders issued by the Chief Justice on March 23 and 30, 2020, and the Emergency Rules of the California Rules of Court, adopted from time-to-time, by the Judicial Council, each judicial officer retains discretion to deviate from the foregoing orders upon a finding of good cause and in keeping with the intent of these orders to comply with the emergency orders of the governor and the directives of public health officials, including but not limited to limitations on gathering size and social distancing.

DATED: April 20, 2020



Presiding Judge of the Superior Court