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

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

**This general order supersedes this court’s Sixth 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 To address this unprecedented challenge to the operation of the Superior Court of California,  
24 County of Madera, to ensure consistency with the orders of the Chief Justice and to balance the  
25 constitutional right of due process with the health and safety of court users and court staff, I  
26 hereby issue the following general orders:

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- 1 1. All civil proceedings, other than jury trials, currently scheduled between March 23, 2020  
2 and April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 3 2. Consistent with the orders of the Chief Justice, dated March 23 and 30, 2020, all jury trials  
4 are suspended and continued for a period of sixty (60) days. Courts may conduct such a  
5 trial at an earlier date, upon a finding of good cause shown or through the use of remote  
6 technology, when appropriate.
- 7 3. Exceptions to the continuance of all civil proceedings include the following matters:
  - 8 a. requests for temporary civil harassment restraining orders in which unlawful violence  
9 or the credible threat of violence has occurred;
  - 10 b. requests for temporary restraining orders to prevent workplace violence;
  - 11 c. requests for temporary restraining orders to prevent elder abuse;
  - 12 d. requests for emergency ex parte probate matters; and
  - 13 e. all statutorily mandated hearings not otherwise affected by this order.
- 14 4. Dates from March 23, 2020 to April 21, 2020, inclusive, are deemed holidays for purposes  
15 of computing the time for filing papers with the court under Code of Civil Procedure  
16 sections 12 and 12a.
- 17 5. The time in which to bring a civil action to trial, as provided for in sections 583.310 and  
18 583.320, is extended as set forth in Emergency Rule 10 of the California Rules of Court.
- 19 6. All civil hearings between March 23, 2020 and April 21, 2020, will be heard in the  
20 department designated on the date of the hearing. Interested parties and attorneys should  
21 review electronic notices in the courthouse atrium to determine department assignment.
- 22 7. All misdemeanor and felony proceedings in which a time waiver has been entered and the  
23 defendant is out of custody, that are scheduled between March 23, 2020 and April 21,  
24 2020, are continued for eight weeks from the currently scheduled date.
- 25 8. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period  
26 provided in Penal Code section 1382 for the holding of a criminal trial is extended for a  
27 period of no more than sixty (60) days from the last date on which the statutory deadline  
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1 otherwise would have expired. Courts may conduct a trial at an earlier date, upon a finding  
2 of good cause shown or through the use of remote technology, when appropriate.

3 9. (a) Consistent with Emergency Rule 3 of the California Rules of Court, judicial  
4 proceedings and court operations shall be conducted through the use of remote  
5 technology, when appropriate.

6 (b) In criminal proceedings, the court must receive the *consent of the defendant* to conduct  
7 the proceeding remotely. *Consent of the defendant* means that the consent of the  
8 defendant is required only for the waiver of defendant's appearance as provided in  
9 Emergency rule 5 of the California Rules of Court.

10 10. Consistent with Emergency Rule 5 of the California Rules of Court, with the consent of the  
11 defendant:

12 (a) the court must allow a defendant to waive his or her personal appearance and appear  
13 before the court by use of remote technology; and

14 (b) the court must allow a defendant to waive his or her appearance and permit counsel to  
15 appear on his or her behalf.

16 (c) In criminal proceedings, including preliminary hearings, for which a defendant does  
17 not consent to waive his or her appearance, and agree that the proceeding be conducted  
18 through the use of remote technology, the proceeding shall be continued to a date on  
19 which the defendant may be safely transported to court. No defendants are to be  
20 transported from the Madera County Department of Corrections to the court absent an  
21 order of the presiding judge or his designee. This order relates specifically to the order  
22 of the Public Health Officer, dated March 19, 2020, and Governor Newsom's executive  
23 order calling for Californians to maintain appropriate social distancing, as well as the  
24 rationale stated by the Chief Justice in her statewide emergency order of March 30,  
25 2020, citing the recommendation of the CDC, California Department of Public Health  
26 and local county health departments for all persons, including court employees, visitors  
27 and users to maintain social distancing of at least six-feet between one another and  
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1           conduct no gathering in excess of the numbers allowed under current executive and  
2           health orders. The purpose of this order is to protect the health and safety of judicial  
3           officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement  
4           personnel and all others with whom these persons come into contact with throughout  
5           the day.

- 6           11. The time period provided in Penal Code section 859b for the holding of a preliminary  
7           examination and the defendant's right to release is extended from 10 court days to not  
8           more than thirty (30) court days.
- 9           12. The time period provided in Penal Code section 825 within which a defendant charged  
10          with a felony offense must be taken before a magistrate is extended from 48 hours to not  
11          more than seven (7) days.
- 12          13. All hearings involving defendants who are not in custody shall be heard in the department  
13          designated on the date of the hearing. Interested parties and attorneys should review  
14          electronic notices in the courthouse atrium to determine department assignment.
- 15          14. All out-of-custody criminal arraignments that are scheduled between March 23, 2020 and  
16          April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 17          15. All specialty court reviews, including drug court, behavioral health court and veterans'  
18          court that are scheduled between March 23, 2020 and April 21, 2020, are continued for  
19          eight weeks from the currently scheduled date.
- 20          16. All proceedings in the family law department currently scheduled between March 23, 2020  
21          and April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 22          17. Exceptions to the continuance of all family law proceedings include the following matters:  
23                a. requests for temporary domestic violence restraining orders;  
24                b. temporary guardianship proceedings in which the child's health or safety is at risk.
- 25          18. The duration of any emergency protective order, temporary restraining order, gun violence  
26          emergency protective order, criminal protective order and any restraining order or  
27          protective order after hearing issued or set to expire during the state of emergency shall  
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1 remain in effect, be continued and automatically extended as set forth in Emergency Rule 8  
2 of the California Rules of Court.

3 19. All family law hearings between March 23, 2020 and April 21, 2020, will be heard in the  
4 department designated on the date of the hearing. Interested parties and attorneys should  
5 review electronic notices in the courthouse atrium to determine department assignment.

6 20. Day-of-court mediation services are suspended until further notice.

7 21. All mediation services provided by Family Court Services between March 23, 2020 and  
8 April 21, 2020, shall be conducted telephonically unless in-person mediation is specifically  
9 ordered by the court.

10 22. All probate investigations conducted by Family Court Services or the Department of Social  
11 Services, including guardianship and conservatorship interviews, shall be conducted with  
12 the use of available technology. All home inspections and in-person interviews are  
13 suspended until April 21, 2020.

14 23. The self-help office is closed for in-person appointments between March 23, 2020 and  
15 April 21, 2020 unless specifically ordered by the court.

16 24. Notwithstanding Madera County Superior Court, Local Rule 2.4.6, all applications for ex  
17 parte relief filed between March 23, 2020 and April 21, 2020, shall be submitted to the  
18 court and notice provided to the opposing party as provided for in Rule 3.1204 of the  
19 California Rules of Court. A judicial officer will review the application and a judicial  
20 assistant will notify the applicant if a court appearance is required. If a hearing date is  
21 ordered by the judicial officer, the person applying for ex parte relief must notify the  
22 opposing party no later than 10:00 a.m. the court day before the hearing date ordered,  
23 unless the judicial officer finds good cause to dispense with such notice.

24 25. All hearings in the appellate department that are scheduled between March 23, 2020 and  
25 April 21, 2020, are continued for eight weeks from the currently scheduled date.

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- 1 26. All traffic trials scheduled on March 23, 2020 through April 21, 2020, inclusive, in which a  
2 time waiver has been entered are continued for eight weeks from the currently scheduled  
3 date.
- 4 27. Dates for payment of fines or appearance in court on traffic citations between March 23,  
5 2020 and April 21, 2020, inclusive, are continued 26 weeks from the date listed on the  
6 citation or the courtesy notice, whichever is later.
- 7 28. All payment plans for the payment of fines are extended 60 days before finding the  
8 payments delinquent and referring the matters to collections.
- 9 29. All visitors to the courthouse must maintain an appropriate social distance of six feet  
10 between the visitor and other persons at all times whether in a courtroom or in common  
11 areas.
- 12 30. Consistent with the order of the Chief Justice, dated March 23, 2020, the court is  
13 authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed  
14 rules or rule amendment that is intended to address the impact of the COVID-19 pandemic  
15 to take effect immediately, without advance circulation for 45 days of public comment. A  
16 copy of any such rule change must be provided to Judicial Council staff and notice posted  
17 of the change prominently on the court's website, along with the effective date of the new  
18 amended rule. The court must immediately distribute the new or amended rule as set forth  
19 in rule 10.613(g)(2). No litigant's substantive right shall be prejudiced for failing to  
20 comply with the requirements of a new or amended rule until at least 20 days after the rule  
21 change has been distributed.
- 22 31. The court may use available technology, when possible, to conduct judicial proceedings  
23 and court operations remotely notwithstanding any rule in the California Rules of Court  
24 that would prevent the court from using such technology for judicial proceedings.

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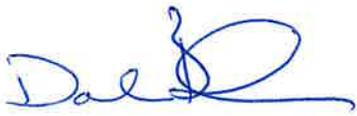
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32. With the exception of the statewide orders issued by the Chief Justice as set forth in paragraphs 2, 8, 11, 12 and 30, above, and Emergency Rules 1 through 11 of the California Rules of Court, each judicial officer retains discretion to deviate 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 8, 2020



Presiding Judge of the Superior Court