

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

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

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

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 19, 2020, Governor Newsom issued a “shelter in place” order directing all residents immediately to 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 health and well-being of all Californians.

On August 28, 2020, the governor announced a four-tier blueprint for reopening the California economy. Since the blueprint was introduced, Madera County has remained in the purple, or most restricted, tier. Our county’s risk level is classified as “widespread.”

Over a several week period during November 2020, December 2020 and January 2021, California and Madera County have experienced an alarming surge in the number of people testing positive for COVID-19, the number of hospitalizations and deaths related to the virus.

Within the most recent thirty-day period, the number of people who have tested positive for COVID-19 in Madera County has increased 61 percent. During the same timeframe, the

1 number of deaths caused by COVID-19 increased 17.75 percent.

2 From the week of Thanksgiving to present, 26 percent of Madera County Superior Court
3 employees have either contracted COVID-19 or been exposed to a friend, family member or
4 person in their immediate household who has contracted the virus.

5 On December 3, 2020, in response to this surge, Governor Newsom announced a regional
6 stay-at-home order in regions with less than 15 percent intensive care unit (ICU) bed capacity.
7 Madera County is in the San Joaquin Valley region.

8 As of December 4, 2020, the regional stay-at-home order was triggered in the San Joaquin
9 Valley region.

10 As of January 8, 2021, it was announced that the San Joaquin Valley region ICU bed
11 capacity was at 0 percent.

12 As of January 8, 2021, ICU bed capacity at Madera Community Hospital was at 120
13 percent. ICU bed capacity statistics for Valley Children's Hospital remain unavailable.

14 Courthouses are places of high risk during the pandemic.

15 COVID-19 presents grave risks to all persons who enter the Madera County courthouse,
16 including jurors and potential jurors, attorneys, litigants, criminal defendants and court personnel.
17 This risk is amplified among those who are members of groups in specific high-risk categories,
18 such as those with preexisting health conditions, persons with compromised immune systems
19 (whether known or unknown) and persons of advanced age.

20 In light of these factors, it would be unwise and irresponsible for this court to require its
21 employees or the members of the community which it serves to risk their health and the health of
22 their loved ones by continuing unrestricted operations.

23 Accordingly, in an effort to address this unprecedented challenge to the operation of this
24 court and to balance the constitutional right of due process with the health and safety of court
25 users and court staff, I hereby issue the following general orders, **effective January 16, 2021 and**
26 **continuing until January 29, 2021:**

27

28

- 1 1. No personal in-court appearances will be permitted in any civil, family law or family
2 support proceeding. All such proceedings may be conducted remotely by use of CourtCall
3 or the Zoom video conference platform. Exceptions to this order apply to all emergency
probate matters and emergency cases involving the issuance of restraining orders or
protective orders, as well as all statutorily mandated hearings.
- 4 2. All civil trials and evidentiary hearings are hereby suspended.
- 5 3. All felony and misdemeanor proceedings in which a time-waiver has been entered and the
6 defendant is not in custody shall be continued for four weeks from the currently scheduled
date.
- 7 4. All criminal proceedings in which the time for commencement of trial, provided for in
8 Penal Code section 1382, has not been waived, are continued for four weeks from the
currently scheduled date.
- 9 5. All criminal hearings, including arraignments, shall be by Zoom video conferencing or
10 other method of video conferencing approved by the court. No in-custody defendant is to
11 be transported to the courthouse from CDCR or Madera County DOC unless transport is
ordered by the court.
- 12 6. All out-of-custody criminal arraignments are continued for four weeks from the currently
scheduled date.
- 13 7. All specialty court matters, set for review only, including drug court, behavioral health
14 court and veterans' treatment court are continued for four weeks from the currently
scheduled date.
- 15 8. All day-of-court mediation services are suspended
- 16 9. All mediation services and investigative interviews to be provided by Family Court
17 Services shall be conducted telephonically unless in-person mediation or interview is
specifically ordered by the court.
- 18 10. The self-help office is closed for in-person appointments unless specifically ordered by the
19 court.
- 20 11. Notwithstanding Madera County Superior Court, Local Rule 2.4.6, all applications for ex
21 parte relief shall be submitted to the court before notice of hearing is provided to the
opposing party. A judicial officer will review the application and a judicial assistant will
22 notify the applicant if notice to the opposing party and a court appearance is required. If a
hearing date is ordered by the judicial officer, the person applying for ex parte relief must
23 notify the opposing party no later than 10:00 a.m. the court day before the hearing date
ordered, unless the judicial officer finds good cause to dispense with such notice.
- 24 12. All oral arguments in the appellate department may only be conducted remotely via
CourtCall or the Zoom video conference platform. Oral arguments that are not conducted
25 remotely are continued for four weeks from the currently scheduled date.
- 26 13. All payment plans for the payment of fines are extended 30 days before finding the
payments delinquent and referring the matters to collections.
- 27 14. Each judicial officer retains discretion to deviate from the foregoing orders upon a finding
28 of good cause.

1 DATED: January 13, 2021



Presiding Judge of the Superior Court

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