

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-SIXTH 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.”

As of January 2021, the State of California and Madera County continue to experience high positivity rates for COVID-19.

As of the date of this order, the State of California’s 7-day average positivity rate is 12.4 percent. In comparison, Madera County’s 7-day average positivity rate is higher at 17.8 percent. The number of statewide and countywide deaths continue to increase.

1 From January 1, 2021 to present, 13 percent of Madera County Superior Court employees
2 have either contracted COVID-19 or been exposed to a friend, family member or person in their
3 immediate household who contracted the virus.

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

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

9 As of January 25, 2021, the regional stay-at-home order was lifted in the San Joaquin
10 Valley region. The four-week ICU capacity projection for the San Joaquin Valley region is above
11 15 percent, which is the threshold for regions to exit the order.

12 As of January 27, 2021, ICU bed capacity at Madera Community Hospital was at 100
13 percent. ICU bed capacity statistics for Valley Children's Hospital are over 100 percent.

14 With the lifting of the regional stay-at-home order, Madera County will return to the
15 provisions of the four-tier blueprint for reopening the California economy. Madera County
16 remains in the purple, or the most restricted/widespread, tier.

17 Courthouses are places of high risk during the pandemic.

18 While it appears that the metrics are slightly improving, COVID-19 continues to present
19 grave risks to all persons who enter the Madera County courthouse, including jurors and potential
20 jurors, attorneys, litigants, criminal defendants and court personnel. This risk is amplified among
21 those who are members of groups in specific high-risk categories, such as those with preexisting
22 health conditions, persons with compromised immune systems (whether known or unknown) and
23 persons of advanced age.

24 In light of these factors, this court will continue to restrict operations to further reduce the
25 potential spread of COVID-19.

26 Accordingly, in an effort to address this unprecedented challenge to the operation of this
27 court and to balance the constitutional right of due process with the health and safety of court
28

1 users and court staff, I hereby issue the following general orders, **effective January 30, 2021 and**
2 **continuing until February 15, 2021:**

- 3 1. No personal in-court appearances will be permitted in any civil, family law or family
4 support proceeding. All such proceedings may be conducted remotely by use of CourtCall
5 or the Zoom video conference platform. Exceptions to this order apply to all emergency
6 probate matters and emergency cases involving the issuance of restraining orders or
7 protective orders, as well as all statutorily mandated hearings.
- 8 2. All civil trials and evidentiary hearings are hereby suspended.
- 9 3. All felony and misdemeanor proceedings in which a time-waiver has been entered and the
10 defendant is not in custody shall be continued for four weeks from the currently scheduled
11 date.
- 12 4. All criminal proceedings in which the time for commencement of trial, provided for in
13 Penal Code section 1382, has not been waived, are continued for four weeks from the
14 currently scheduled date.
- 15 5. All criminal hearings, including arraignments, shall be by Zoom video conferencing or
16 other method of video conferencing approved by the court. No in-custody defendant is to
17 be transported to the courthouse from CDCR or Madera County DOC unless transport is
18 ordered by the court.
- 19 6. All out-of-custody criminal arraignments are continued for four weeks from the currently
20 scheduled date.
- 21 7. All specialty court matters, set for review only, including drug court, behavioral health
22 court and veterans' treatment court are continued for four weeks from the currently
23 scheduled date.
- 24 8. All day-of-court mediation services are suspended.
- 25 9. All mediation services and investigative interviews to be provided by Family Court
26 Services shall be conducted telephonically unless in-person mediation or interview is
27 specifically ordered by the court.
- 28 10. The self-help office is closed for in-person appointments unless specifically ordered by the
court.
11. Notwithstanding Madera County Superior Court, Local Rule 2.4.6, all applications for ex
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
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
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.
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
remotely are continued for four weeks from the currently scheduled date.

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

13. All payment plans for the payment of fines are extended 30 days before finding the payments delinquent and referring the matters to collections.

14. Each judicial officer retains discretion to deviate from the foregoing orders upon a finding of good cause.

DATED: January 28, 2021



Presiding Judge of the Superior Court