

Juvenile Dependency and Juvenile Justice Memo #5

The Court's Efforts to Facilitate "Social Distancing" During Period of Concern over COVID-19 Virus

By order of our Presiding Judge, Judge Jonathan E. Karesh, because of the COVID-19 pandemic, the Juvenile Court in San Mateo County will be operating with one judge, rather than two, for the foreseeable future. Judge Etezadi and Judge Jakubowski will continue to rotate during this period of time.

The Court is hearing contested matters in the morning and the Court's afternoon calendars continue to operate.

As of Monday, June 22, 2020, the Juvenile Clerk's Office is now fully staffed and open to the public. There is a drop box in the lobby on the second floor outside of the Juvenile Clerk's office where parties and attorneys may also file documents with the Court. Attorneys and parties may also mail documents and correspondence to the Court.

To address the backlog of time waived cases that were previously continued because of COVID-19, the Court is now calendaring time waived dependency and juvenile justices cases that had previously been continued for settlement conferences to facilitate resolution, where possible. The Court has now nearly completed re-calendaring our backlog of cases.

Furthermore, the Juvenile Court is pleased to announce that we are conducting Zoom contested hearings in both dependency and juvenile justice matters.

Presiding Judge Jonathan E. Karesh again requested that the Chief Justice extend time lines in dependency and juvenile justice cases because of this on-going pandemic emergency and the Chief Justice granted that request. As it relates to Juvenile Dependency and Juvenile Justice cases, the most recent order from Judge Karesh which implemented the Chief Justice's most recent Order (related to Juvenile matters) dated **July 13, 2020** reads as follows:

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined that the conditions described in Government Code section 68115 were met with regard to the Superior Court of California, County of San Mateo as of March 16, 2020; April 1 and 10, 2020; May 14, 2020 and June 11, 2020. At this Court's request, the Chief Justice of the California Supreme Court issued five prior emergency orders, authorizing the San Mateo County Superior Court to implement certain relief pursuant to Government Code section 68115. Upon the renewed request of this Court, the Chief Justice has determined that the conditions, as described in Government Code section 68115, continue to exist. (Gov. Code, § 68115(b)). Therefore, this Court orders the following:

- Court sessions may be held anywhere in the county, including in correctional and juvenile detention facilities, from July 15, 2020 to August 31, 2020, inclusive (Gov. Code, § 68115(a)(1));
- July 13, 2020, to August 11, 2020, inclusive, are deemed holidays for purposes of computing time under Welfare and Institutions Code sections 313, 315, 334, 631, 632, 637, and 657 (Gov. Code, § 68115(a)(5));
- The Court extends the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to five days, applicable only to minors for whom the statutory deadline otherwise would expire from July 13, 2020, to August 11, 2020, inclusive (Gov. Code, § 68115(a)(11));
- The Court extends the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be given a detention hearing to five days, applicable only to minors for whom the statutory deadline otherwise would expire from July 13, 2020, to August 11, 2020, inclusive (Gov. Code, § 68115(a)(11));
- The Court extends the time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony

offense must be given a detention hearing or rehearing to five days, applicable only to minors for whom the statutory deadline otherwise would expire from July 13, 2020, to August 11, 2020, inclusive (Gov. Code, § 68115(a)(11));

•The Court extends the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from July 13, 2020 to August 11, 2020, inclusive (Gov. Code, § 68115(a)(12)); and

•The Court extends the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held by 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from July 13, 2020, to August 11, 2020, inclusive (Gov. Code, § 68115(a)(12)).

The following guidelines are provided to assist counsel and their clients in making decisions about whether to appear for, and the alternative means by which to participate in, *uncontested* court hearings. The Court encourages careful reflection on how to accommodate every party's and every family's individual circumstances, all for the purpose of facilitating "social distancing."

The Court waives the two-day and written motion requirements. The appearances of the parties may be waived for all continuance requests if counsel agrees to accept notice on behalf of the client. The Court welcomes telephonic appearances on *uncontested* matters. The Court is not able to access the credibility of a witness on contested matters conducted telephonically, therefore, telephonic appearances are not allowed on contested matters.

1. **Dealing with Clients & Family Members Who Present with Symptoms:** Please encourage anyone who presents with (or reports having) flu-like symptoms not to come to court and, if already in the courthouse not to enter the courtroom. We will try and find alternative ways to accommodate their participation.
2. **Continuances:** If a parent or child wants to be present in-person for a hearing but has symptoms, the Court anticipates being liberal in granting continuances.

3. **Telephonic Appearances Uncontested Matters – Parties:** Each courtroom has a conference call line which can accommodate multiple telephone lines. If parties want to participate in an uncontested hearing by telephone, we can accommodate them. The Court encourages use of this technology. The phone number for this line is 1-888-808-6929, access code 1135322#. When prompted, please press # again. However, before calling in on the Court's 1-888 number, please provide the clerk with your contact information, so that the clerk can contact you just before your matter is called. This is so that we can maintain confidentiality of our dependency and juvenile justice proceedings. Both courtrooms use the same 1-800 number and access code. However, the phone number for each department is different. Please call the clerk for Department 18, Judge Etezadi at 650-261-5118. Please call the clerk for Department 7, Judge Jakubowski at 650-261-5107. Please provide the clerk with your telephone number, so that the clerk can call you just before your matter is called. Once the clerk contacts you, please call your client and give them the 1-888 number, so that they can call the court at that same time. Please do not give the Court's 1-888 number to your client until your case is ready to be called. The reason for this, is that we don't want people waiting on the line during confidential proceedings.
4. **Telephone Appearances Uncontested Matters – Attorneys:** If an attorney wants to appear by telephone, the Court anticipates liberally accommodating such requests. (Please be proactive in identifying such opportunities.) For example, on some calendars, an attorney may have only one or two matters, and the hearings may be non-substantive in nature. Similarly, an attorney may know in advance his/her client plans not to attend, such that the attorney may feel comfortable appearing for even more substantive uncontested hearings by telephone. The Court will welcome requests to appear by telephone on uncontested matters.
5. **Presence of Family Members:** Historically, the Court has welcomed having extended family members present (subject, of course, to the objection of the parties). During this extraordinary time, the Court encourages having extended family members participate by telephone rather than coming to court. If family members wish to listen in by telephone, the Court will allow this.
6. **Initial Hearings.** Initial hearings present unique challenges. Parents typically come to court without having had any prior contact with their appointed counsel. Extended family members (grandparents, aunts, uncles, etc.) are also often present. Please assure parents we have their safety and the safety of others in mind. Please consider asking whether they have any flu-like symptoms and/or whether they have health-related concerns about entering the courtroom. If so, please assure them that the Court can facilitate their participation by telephone. (For example, if a parent presents with flu-like conditions, please consider asking to trail the matter, and then meeting with the client in advance of the trailed hearing by telephone or otherwise.) Please also consider asking parents whether they have family members present and, if so, whether any of them have flu-like symptoms.
7. **Zoom Hearings:** The Juvenile Court is now conducting contested hearing in both dependency and juvenile justice via Zoom. The Human Services Department is also conducting Zoom hearings in dependency cases. Please contact the clerk of the court in advance for information concerning Zoom hearings and Zoom log-in credentials. Zoom Rules:

- A. Follow the same courtroom etiquette requirements when appearing remotely as you would in person
 - B. All minors need to appear by Zoom by calling the audio line or by logging in on a computer or cell phone, attorneys are not to appear on their client's behalf or conference them in over their own phone
 - C. If the minor appears over the internet they must have their camera on, they are not permitted to appear with their video off.
 - D. Please log in 30 minutes before your scheduled hearing start time
 - E. When logging into Zoom, in the "name" section put your first and last name. If appearing by phone please provide the Zoom monitor with your name.
 - F. Parties will be held in the Zoom waiting room until their case is called, once they are in the waiting room they should not hang up or disconnect, the court will let them in when the case is ready to be called.
 - G. Parties calling in on an audio line will be asked to identify themselves by the Zoom monitor then placed back in the waiting room until their case is called. You must state your name each time you speak so that we may capture an accurate record.
 - H. Unless speaking all parties should mute themselves so background noises do not interfere with the proceedings
 - I. Parties requiring an interpreter should let their attorney know or the minor's attorney know and what language needs to be interpreted. The attorney should then contact interpreter services with this information and copy both court departments with the interpreter information as well.
 - J. Parties needing an interpreter may at times need to be muted to ensure that the interpretation can be conducted without outside audio interference so that the court reporter is able to take down the proceedings without multiple people speaking over one another. If the case requires an interpreter please speak slowly and pause at regular intervals to allow for the interpreter to interpret for the party/witness
 - K. No one is permitted to make an audio or video recording of the hearing. Attorneys, parties, witnesses, and any third parties are not permitted to record the proceeding. Unauthorized recording of court proceedings violates California Rule of Court 1.150 (c) and is punishable by monetary sanctions or contempt proceedings against the offending party. California Rule of Court 1.150(f)
 - L. The minor may have one or more parent or legal guardian present with them during the hearing, if no parent or guardian is available an adult family member over the age of 18 may appear with them
8. **Courtroom Resources:** We have tried to provide ample hand-sanitizing lotions. If you notice our supply diminishing, please alert the clerk and we will try to replenish our resources.

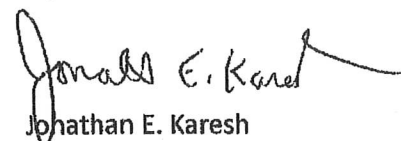
9. **Flexibility & Suggestions:** The Court anticipates being flexible and working to accommodate each situation that presents itself. If you see opportunities to facilitate “social distancing,” please share your suggestions.

As noted by our Presiding Judge, with this COVID-19 Pandemic, the San Mateo Superior Court, like every other jurisdiction in California, is operating in uncharted waters. None of us have experienced an emergency of this magnitude and we ask for your patience, understanding and flexibility. Most importantly, please remain healthy during this pandemic.

July 15, 2020



Susan Irene Etezadi
Presiding Juvenile Court Judge



Jonathan E. Karesh
Presiding Judge