

Juvenile Dependency and Juvenile Justice Memo #6

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. To the extent that parties have reached agreements on pending cases that are set for contest on our morning calendars, the Court will make every effort to handle those matters.

As of Monday, June 22, 2020, the Juvenile Clerk's Office has been fully staffed but remains closed 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 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 the Chief Justice (related to Juvenile matters) dated **August 12, 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, June 11, 2020 and July 13, 2020. At this Court's request, the Chief Justice of the California Supreme Court issued six 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:

- August 12, 2020, to September 10, 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 August 12, 2020, to September 10, 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 August 12, 2020, to September 10, 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 August 12, 2020, to September 10, 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 August 12, 2020 to September 10, 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 August 12, 2020, to September 10, 2020, inclusive (Gov. Code, § 68115(a)(12)).

In his COVID-19 Order Number 13 dated **August 12, 2020**, our acting Presiding Judge Leland Davis III, fully implemented these time extensions.

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 assess 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

- 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.
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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.

August 13, 2020



Susan Irene Etezadi
Presiding Juvenile Court Judge



Leland Davis III
Acting Presiding Judge