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

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

This general order supersedes this court’s fifth 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 health and well-being of all Californians.

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 officers, attorneys, witnesses, jurors and others present at court proceedings.

1 On March 27, 2020, Governor Newsom issued Executive Order N-38-20 suspending
2 limitations on the Chief Justice, as Chairperson of the Judicial Council, imposed by Government
3 Code sections 68115 and 68072, and authorizing the Chief Justice to issue emergency statewide or
4 local rules, amending the California Rules of Court or other applicable court rule, or for
5 implementing any other expedited procedure for amending the California Rules of Court or any
6 other applicable rule to address the COVID-19 pandemic.

7 On March 30, 2020, Chief Justice Tani G. Cantil-Sakauye, as Chair of the Judicial
8 Council, issued a statewide emergency order further extending specific statutory time limits and
9 authorizing trial courts to make use of available technology to protect the health and safety of all
10 persons who use, access and work in the courthouses in California.

11 To address this unprecedented challenge to the operation of the Superior Court of California,
12 County of Madera, to ensure consistency with the orders of the Chief Justice and to balance the
13 constitutional right of due process with the health and safety of court users and court staff, I
14 hereby issue the following general orders:

- 15 1. All civil proceedings, other than jury trials, currently scheduled between March 23, 2020
16 and April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 17 2. Consistent with the orders of the Chief Justice, dated March 23 and 30, 2020, all jury trials
18 are suspended and continued for a period of sixty (60) days. This continuance is calculated
19 from the date for which the trial was set or extended as provided in Paragraphs 5 and 8,
20 below, whichever is longer. Courts may conduct such a trial at an earlier date, upon a
21 finding of good cause shown or through the use of remote technology, when appropriate.
- 22 3. Exceptions to the continuance of all civil proceedings include the following matters:
 - 23 a. requests for temporary civil harassment restraining orders in which unlawful violence
24 or the credible threat of violence has occurred;
 - 25 b. requests for temporary restraining orders to prevent workplace violence;
 - 26 c. requests for temporary restraining orders to prevent elder abuse;
 - 27 d. requests for emergency ex parte probate matters; and

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- e. all statutorily mandated hearings not otherwise affected by this order.
- 4. Dates from March 23, 2020 to April 21, 2020, inclusive, are deemed holidays for purposes of computing the time for filing papers with the court under Code of Civil Procedure sections 12 and 12a.
- 5. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial is extended by no more than sixty (60) days from the last date on which the statutory deadline otherwise would have expired. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
- 6. All civil hearings between March 23, 2020 and April 21, 2020, will be heard in the department designated on the date of the hearing. Interested parties and attorneys should review electronic notices in the courthouse atrium to determine department assignment.
- 7. All misdemeanor and felony proceedings in which a time waiver has been entered and the defendant is out of custody, that are scheduled between March 23, 2020 and April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 8. Consistent with the order of the Chief Justice, dated March 30, 2020, the time period provided in Penal Code section 1382 for the holding of a criminal trial is extended for a period of no more than sixty (60) days from the last date on which the statutory deadline otherwise would have expired. Courts may conduct a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.
- 9. All necessary hearings, including arraignments and preliminary hearings, involving defendants who are in custody shall be heard by remote technology in the department designated on the date of the hearing. Interested parties and attorneys should review electronic notices in the courthouse atrium to determine department assignment. No defendants are to be transported from the Madera County Department of Corrections to the court absent an order of the presiding judge or his designee.

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

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- 1 19. Day-of-court mediation services are suspended until further notice.
- 2 20. All mediation services provided by Family Court Services between March 23, 2020 and
- 3 April 21, 2020, shall be conducted telephonically unless in-person mediation is specifically
- 4 ordered by the court.
- 5 21. All probate investigations conducted by Family Court Services or the Department of Social
- 6 Services, including guardianship and conservatorship interviews, shall be conducted with
- 7 the use of available technology. All home inspections and in-person interviews are
- 8 suspended until April 21, 2020.
- 9 22. The self-help office is closed for in-person appointments between March 23, 2020 and
- 10 April 21, 2020 unless specifically ordered by the court.
- 11 23. Notwithstanding Madera County Superior Court, Local Rule 2.4.6, all applications for ex
- 12 parte relief filed between March 23, 2020 and April 21, 2020, shall be submitted to the
- 13 court and notice provided to the opposing party as provided for in Rule 3.1204 of the
- 14 California Rules of Court. A judicial officer will review the application and a judicial
- 15 assistant will notify the applicant if a court appearance is required. If a hearing date is
- 16 ordered by the judicial officer, the person applying for ex parte relief must notify the
- 17 opposing party no later than 10:00 a.m. the court day before the hearing date ordered,
- 18 unless the judicial officer finds good cause to dispense with such notice.
- 19 24. All hearings in the appellate department that are scheduled between March 23, 2020 and
- 20 April 21, 2020, are continued for eight weeks from the currently scheduled date.
- 21 25. All traffic trials scheduled on March 23, 2020 through April 21, 2020, inclusive, in which a
- 22 time waiver has been entered are continued for eight weeks from the currently scheduled
- 23 date.
- 24 26. Dates for payment of fines or appearance in court on traffic citations between March 23,
- 25 2020 and April 21, 2020, inclusive, are continued 26 weeks from the date listed on the
- 26 citation or the courtesy notice, whichever is later.

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- 1 27. All payment plans for the payment of fines are extended 60 days before finding the
2 payments delinquent and referring the matters to collections.
- 3 28. All visitors to the courthouse must maintain an appropriate social distance of six feet
4 between the visitor and other persons at all time whether in a courtroom or in common
5 areas.
- 6 29. Consistent with the order of the Chief Justice, dated March 23, 2020, the court is
7 authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed
8 rules or rule amendment that is intended to address the impact of the COVID-19 pandemic
9 to take effect immediately, without advance circulation for 45 days of public comment. A
10 copy of any such rule change must be provided to Judicial Council staff and notice posted
11 of the change prominently on the court's website, along with the effective date of the new
12 amended rule. The court must immediately distribute the new or amended rule as set forth
13 in rule 10.613(g)(2). No litigant's substantive right shall be prejudiced for failing to
14 comply with the requirements of a new or amended rule until at least 20 days after the rule
15 change has been distributed.
- 16 30. The court may use available technology, when possible, to conduct judicial proceedings
17 and court operations remotely notwithstanding any rule in the California Rules of Court
18 that would prevent the court from using such technology for judicial proceedings.
- 19 31. With the exception of the statewide orders issued by the Chief Justice as set forth in
20 paragraphs 2, 5, 8, 10, 11 and 29, above, each judicial officer retains discretion to deviate
21 from the foregoing orders upon a finding of good cause and in keeping with the intent of
22 these orders to comply with the emergency orders of the governor and the directives of
23 public health officials, including but not limited to limitations on gathering size and social
24 distancing.

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27 DATED: April 1, 2020



Presiding Judge of the Superior Court