



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

240 Church Street, Salinas, California 93901 - (831) 775-5400
www.monterey.courts.ca.gov

JULIE R. CULVER
Presiding Judge
2020 - 2022

PAMELA L. BUTLER
Asst. Presiding Judge

CHRIS RUHL
Court Executive Officer

**INTERIM ORDER RE MODIFICATION TO COURT OPERATIONS AND
SERVICES (2020-01)**

THIS COURT HEREBY FINDS AND ORDERS AS AN UPDATE TO THE REVISED INTERIM ORDER DATED MARCH 26, 2020 AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of COVID-19.
2. Effective March 18, 2020 at 12:01 a.m., the County of Monterey issued an order directing all individuals living in Monterey County to shelter at their place of residence except to provide or receive essential services or engage in certain essential activities and work for essential business and governmental agencies. Court personnel are categorically exempt from this and the subsequent order issued April 3, 2020.
3. On March 12, 2020, Governor Gavin Newsom issued an order mandating compliance with state and local public health officials to control the spread of COVID-19.
4. On March 19, 2020, Governor Newsom issued an order directing all Californians to shelter in place at their place of residence with certain exceptions.
5. On March 30, 2020 Chief Justice of the California Supreme Court, and Chair of the Judicial Council, Hon. Tani Cantil-Sakauye issued a Statewide Emergency Order supporting courts making use of available technology when possible to conduct judicial proceedings and court operations remotely in order to protect the safety of the public, court personnel, judicial officers, litigants, and witnesses.
6. Functions of the Superior Court at this time are limited to proceedings that may be conducted remotely without the physical appearance of litigants, attorneys or the public at the courthouse.
7. Protection of public health and safety in connection with the COVID-19 threat has resulted or is expected to result in significant interference with Superior Court services and proceedings.
8. Consonant with the above orders of the Governor and Monterey County, and the Chief Justice of the California Supreme Court, the Superior Court of California, County of Monterey will continue to suspend functions in which the public is required to physically appear at the courthouse through the term of shelter in place orders. All clerk's office functions will be closed to the public while the order remains in place.
9. Electronic filing of documents may continue to be accepted by the court.

COURTHOUSE ACCESS:

1. Monterey Courthouse is closed to the public except for essential parties who will be required to appear remotely via phone or video.
2. Marina Courthouse is closed to the public except for essential parties who will be required to appear remotely via phone or video.
3. Salinas Courthouse is closed to the public except for essential parties for dependency, felony and misdemeanor matters in which essential parties will be required to appear remotely via phone or video.
4. Juvenile Courthouse on Natividad Road is closed to the public except for essential parties who will be required to appear remotely via phone or video for juvenile matters. Parents may call in to, and in exceptional circumstances be physically present in, the courtroom during these proceedings.
5. Access to the above courthouses is restricted to those persons required to appear in person for a court hearing. No other persons will be permitted entry without good cause.

For all hearing types or other matters that may proceed during the court closure, CourtCall, appearance by phone or by video may be mandated by judicial officers.
Casual dress is encouraged so that clothing can be easily laundered.

ELECTRONIC FILING:

No documents should be brought to the courthouse for filing. All filings should be submitted electronically using e-file.

Persons who are unable to file documents electronically may file by mail, or by using the drop box at any courthouse location. The mailing address is Monterey County Superior Court, Clerks Office, 1200 Aguajito Road, Monterey, CA 93940.

CRIMINAL MATTERS:

The court is limiting hearings to matters in which remote video or phone appearances can be conducted.

All out of custody matters requiring the appearance of a defendant and scheduled to be heard between April 3, 2020 and court reopening to the public will be continued.

Matters that are reset for out of custody defendants will be scheduled for a date that is 60 days from the date of the current hearing.

Some out of custody matters in which attorneys are appearing remotely on behalf of, or with, their clients may be set on the court calendar by request.

For any matter that is continued notices with new appearance dates will be mailed to out of custody individuals to notify those individuals of the new dates.

Consistent with the March 23, 2020 order of the Chief Justice, all jury trials are suspended and continued for a period of sixty (60) days calculated from the date for which the trial was set pursuant to statutory deadlines or otherwise extended. The Court 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.

TEMPORARY BAIL/OWN RECOGNIZANCE (O.R.) RELEASE CHANGES:

1. Health and Safety violations – Inmates who are arrested for any Health and Safety Code violation which does not include an enhancement for weight or firearms shall be considered for release on own recognizance.
2. Multiple warrants – Multiple misdemeanor warrants shall not prohibit an own recognizance release, unless they are three or more warrants that involve domestic violence (Penal Code sections 166(c)(1); 166(c)(2), 166(d)(1) 243(e)(1), 273.5; 273.6, 646.9.)
3. O.R. dates to appear – court appearance dates for those who are released on their own recognizance shall be given a court appearance date 60-90 calendar days from the date of release.

JUVENILE MATTERS:

With limited exceptions, all out of custody matters that cannot be handled through remote appearances and scheduled to be heard beginning March 18 and through the court reopening to the public will be continued to a new date that is 60 days from the date of the current hearing. Notices with new appearance dates will be mailed to out of custody individuals who have hearings scheduled beginning March 18 and through the court reopening to the public to notify those individuals of the new dates.

All Truancy matters scheduled from April 17 through the shelter in place order will be conducted via remote appearance with attorneys. No personal appearances will be required by youth or family.

TRAFFIC AND SMALL CLAIM MATTERS:

No traffic or small claim hearings or trials will be held during the court closure. All hearings that were scheduled to be heard beginning March 18 and through the court closure will be continued to a new date. Exceptions may be made by the court for time not waived cases and matters that may be heard remotely on request of a party. Notices of new court dates will be mailed to all parties at the address the court has on file.

Traffic payments will be accepted through the court's online portal. The court is considering written payment extension requests from those who are unable to pay using the electronic system.

DEPARTMENT OF CHILD SUPPORT SERVICES CALENDAR:

With limited exceptions, matters on the Department of Child Support Services calendar will be continued to a new date. The Department of Child Support Services will mail notices to parties notifying of the future date. Some hearings may be heard remotely by Court Call and/or remote video or phone appearances as determined by the court.

FAMILY LAW MATTERS:

No family law hearings are currently being heard. All hearings that were scheduled to be heard between March 18 through the court closure will be continued to a new date upon review by the judicial officer to triage the new setting based on the facts of each case. The court will consider urgency, especially as it relates to the safety of parties and children and the children's best interest. Some hearings may be heard remotely by Court Call and/or remote video or phone appearances. Notices will be mailed to all parties at the address that the court has on file.

If all parties agree in writing, a request may be submitted for the court to rule on a filed Request for Order without a hearing.

Emergency matters will be considered on a case by case basis.

CIVIL MATTERS:

No civil hearings are currently being heard. Hearings that were scheduled to be heard between March 18 and through the court closure may be continued between 30 and 60 days from the date of the original hearing. Notices will be mailed to all parties.

If all parties agree in writing, a request may be submitted for the Court to rule on a filed noticed motion without a hearing for matters that were scheduled to be heard on the following Civil Calendars:

- Dept 13 Civil Law & Motion Monday at 9:05
- Dept 13 Civil Complex Law & Motion Tuesday at 8:30
- Dept 14 Civil Law & Motion Friday at 9:00
- Dept 15 Civil Law & Motion Friday at 9:00

All interested parties must waive the hearing in writing. After the agreement is processed, the Court will determine whether the filed motion is appropriate to rule on without a hearing.

EX PARTE CIVIL MATTERS:

Upon review and approval by a judicial officer the court may hear *Ex Parte* matters on a Thursday calendar. All matters that are approved for hearing will be heard remotely via Court Call.

If all parties agree in writing, a request may be submitted for the Court to rule on a filed *Ex Parte* motion without a hearing.

PROBATE MATTERS:

All non-urgent and non-essential probate hearings scheduled between March 18, 2020 through the court closure will be continued to a new date upon review by the judicial officer who will select a new hearing date based on the facts of each case. The court will consider urgency, especially as it relates to the safety of parties, including elders, dependent adults and minors. Some urgent matters may be heard remotely by

CourtCall and/or remote video or phone appearances. Notices will be mailed to all parties at the address the court has on file.

Parties may continue to file documents electronically. Parties may utilize the Emergency Agreement protocols set forth on the courts website to permit the court to rule on a filed petition without a hearing.

Emergency matters will be considered on a case by case basis.

All temporary orders set to expire during the Court's closure to the public have been extended by order of the court. Parties will receive a copy of the order by mail.

UNLAWFUL DETAINER/EVICTIONS

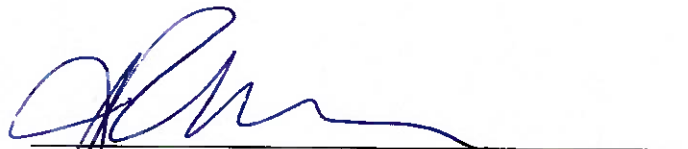
Judicial action on unlawful detainer/eviction actions will continue consonant with any local or state orders or ordinances enacted in response to the COVID-19 threat and the impact thereof.

COURT WEBSITE

The Superior Court of Monterey County website will remain updated with current information regarding services.

IT IS SO ORDERED.

Dated April 6th, 2020



Hon. Julie R. Culver
Presiding Judge
Monterey County Superior Court