

1 SUPERIOR COURT
2 COUNTY OF SAN BERNARDINO
247 West Third Street, Eleventh Floor
San Bernardino, CA 92415-0302

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7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN BERNARDINO**

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10 IN RE:

11 SUSPENDING IN-PERSON FAMILY
12 CENTERED CASE RESOLUTION
13 STATUS CONFERENCES

14 } GENERAL ORDER OF THE
15 } PRESIDING JUDGE

16 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency
17 in California as a result of COVID-19. On March 13, 2020, President Trump declared a
18 national emergency which continues unabated. Since declaring the state of
19 emergency, Governor Newsom and state and county public health officials have
20 issued additional guidelines targeted at limiting the spread of COVID-19.

21 On March 19, 2020, Governor Newsom issued an Executive Order, and the
22 state Public Health Officer issued a Public Health Order, instructing all individuals living
23 in the state to stay home or at their place of residence, except as needed to facilitate
24 authorized, necessary activities or to maintain the continuity of operations of critical
25 infrastructure sectors. Governor Newsom and state public health officials have also
26 prohibited most types of mass gatherings. Federal, state, and local public health
27 officials have mandated that persons gathered with individuals who are not members
28 of the same residence must implement social distancing of at least 6 feet between

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1 individuals. They have also determined that people over 65 years old, smokers, people
2 with compromised immune systems, and people who have serious chronic medical
3 conditions are at higher risk of contracting COVID-19. Therefore, they recommend that
4 people at higher risk avoid leaving their homes.

5 In early May Governor Newsom and the state Public Health Officer introduced a
6 Pandemic Resilience Roadmap. On May 7, 2020, the State Public Health Officer
7 announced that statewide data supported the gradual movement of the entire state
8 into Stage 2 of the Pandemic Resilience Roadmap. On May 18, 2020, the Governor
9 outlined a process where counties that met specific criteria could move more quickly
10 than other parts of the state through Stage 2 of modifying the Stay-at-Home order. San
11 Bernardino County availed itself of that process, and on May 23, 2020, the state
12 approved the County's request to reopen businesses in accordance with the Pandemic
13 Resilience Roadmap.

14 Unfortunately, after the state permitted many counties to resume business
15 operations, the number of confirmed COVID-19 cases and hospitalizations in the state
16 increased significantly. Initially, the state attempted to address the rapidly escalating
17 number of COVID-19 cases on a county-by county basis. On June 28, 2020, the
18 California Department of Public Health (CDPH) issued guidance setting forth the need
19 to close bars and similar establishments in counties that had been on the County
20 Monitoring List, which included counties that showed concerning levels of disease
21 transmission, hospitalizations, insufficient testing, or other critical epidemiological
22 markers, for 14 days. San Bernardino County was included on that list, and it is still
23 included among the list of counties that the state is closely monitoring.

24 On July 1, 2020, CDPH issued guidance specific to counties on the County
25 Monitoring List — including San Bernardino County — requiring closure of the indoor
26 operations of various sectors, including restaurants, wineries, and certain
27 entertainment venues. Despite the state's efforts to manage the continuing escalation
28 of COVID-19 cases on a countywide basis, the numbers continued to rise causing the

1 state Public Health Officer to issue an order on July 13, 2020 mandating statewide
2 closure of some types of businesses, and/or imposing operational restrictions for other
3 types of businesses.

4 Current data reveals an unprecedented rise in the increase of COVID-19 cases,
5 hospitalizations, and positive test results statewide. Consequently, on December 3,
6 2020, the Public Health Officer issued a Regional Stay at Home Order that requires
7 counties located in regions where ICU bed capacity is less than 15% to implement
8 varying forms of stay-at-home requirements and modified business operations for local
9 businesses, places of worship, and schools. The Southern California region, which
10 includes San Bernardino County, has less than 15% ICU bed capacity, and therefore
11 San Bernardino County is subject to the new Regional Stay at Home Order. On March
12 17, 2020, when the court restricted its operations due to the pandemic, there were five
13 confirmed COVID-19 cases in San Bernardino County. As of January 7, 2021, there
14 have been 216,394 confirmed COVID-19 cases and 1,454 deaths attributed to COVID-
15 19 in San Bernardino County. According to the State Public Health Officer's Regional
16 Stay at Home Order, the number of new cases statewide increased by over 112%
17 since November 19, 2020, and the number of new hospital admissions increased from
18 777 on November 15, 2020, to 1,651 on December 2, 2020.

19 Courthouses are not designed to facilitate social distancing given their fixed
20 configuration. Changing that configuration has security implications, affects the
21 presentation of evidence, limits public access, and requires financial and other
22 resources that the court lacks in light of reductions in its 2020-2021 and 2021-2022
23 fiscal year budgets. The court is also experiencing challenges with maintaining
24 adequate staff to conduct court operations as staff are unavailable for work due to self-
25 quarantine based on membership in the group that has been identified as being at
26 particularly high risk of contracting COVID-19, caregiving needs for children who out of
27 school, or other reasons associated with this pandemic.

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1 The continuing escalation in the number of COVID-19 cases in San Bernardino
2 County continues to impact the court's ability to provide adequate access to court
3 services and proceedings while it contemporaneously implements appropriate
4 measures to protect the health and safety of judicial officers, court staff, litigants,
5 defendants, and members of the public. The court has found that it continues to be
6 unsafe to conduct in-person proceedings that would require convening large groups of
7 people, including parties, judicial officers, court staff, law enforcement, attorneys,
8 witnesses, jurors, the public, and others.

9 Based on the foregoing, the court finds and concludes that conducting in-person
10 status conferences in connection with family centered case resolution (pursuant to
11 California Rules of Court, Rule 5.83 and Family Code §§ 2450-2451) under the
12 present circumstances could likely place litigants, attorneys, and court personnel at
13 unnecessary risk and that risk presently outweighs the interests of the public and the
14 litigants. Therefore, the court finds good cause to implement the authority granted to it
15 under California Rule of Court, Rule 10.603; case authority recognizing the court's
16 broad powers to insure the orderly administration of justice (see e.g., Walker v
17 Superior Court (1991) 53 Cal.3d 257, 266-267); Chief Justice Tani G. Cantil-Sakauye's
18 March 30, 2020 and April 29, 2020 Statewide Orders; and the Public Health Officer's
19 December 3, 2020 Regional Stay at Home Order, and HEREBY ORDERS AS
20 FOLLOWS:

21 In-person Case Resolution Status Conferences arising from the family centered
22 case resolution process (pursuant to California Rules of Court, Rule 5.83 and Family
23 Code §§ 2450-2451) are suspended as of January 7, 2021, and continuing through
24 February 28, 2021. In-person Case Resolution Status Conferences shall resume on
25 March 1, 2021, unless such proceedings are further suspended by future order of the
26 court. The court may conduct Case Resolution Status Conferences through the uses

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1 of remote technology, when appropriate, and if feasible. Parties may contact the
2 clerk's office at the courthouse to which their case is assigned to determine if remote
3 options such as CourtCall are available.

4 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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7 Dated: January 7, 2021
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12 MICHAEL A. SACHS
13 Presiding Judge of the Superior Court
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