

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED

MAR 19 2020

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

JUVENILE DELINQUENCY DIVISION

Order of Juvenile Delinquency
Judges

)
)
) **Order: Delinquency Division's**
) **Implementation of General**
) **Order of Presiding Judge**
) **Arlan L. Harrell re COVID-19**
) **Pandemic (filed March 18,**
) **2020 [Copy attached])**
)
)
)

Due to the health and safety concerns caused by the COVID-19 epidemic, Governor Gavin Newsom's Declaration of a State of Emergency, and the March 18, 2020 Order of the Fresno County Superior Court Presiding Judge re COVID-19 Pandemic, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of California, County of Fresno. All levels of government are taking action to protect our population and public at large. Businesses are closing, most gatherings are banned, travel has been curtailed, schools and universities have shut down, everyone is told to practice "social/physical distancing" and many communities have been told to "shelter at home".

1 Additionally, there is now broad recognition that those in custodial
2 settings are at great risk and must be protected, including the many young
3 people held in juvenile halls.

4 To protect young people in the juvenile delinquency system and those that
5 work in the juvenile delinquency system, the Superior Court of Fresno County
6 Delinquency Division has prepared a plan to respond to the ever unfolding and
7 changing conditions. The plan, as reflected in this order, was discussed and
8 unanimously agreed to during a collaborative meeting held at the Juvenile
9 Justice Complex on March 19, 2020; attendees (in person and by telephone)
10 included representation from the District Attorney's office, Public Defender's
11 office, attorneys from Fitzgerald, Alvarez & Ciummo, multiple members of
12 Juvenile Probation, the Juvenile Delinquency Court Clerk's office, and all
13 Juvenile Delinquency judges.

14 Effective March 19, 2020, and continuing until the expiration of Judge
15 Harrell's order (including any extensions issued by Judge Harrell), the following
16 shall apply:

- 17 1. The Juvenile Justice Court will be closed to the public for general
18 business and will permit only those with scheduled court cases to
19 appear. Those with scheduled court appearance will be directed
 to check in at the clerk's office for further instructions.
- 20 2. Cases for out of custody minors will be continued to a date after
21 April 3, 2020 by permitting minor's counsel to contact minor and
22 inform minor to appear at a future designated court date. If
 minor appears on scheduled court date, the Juvenile Court
 Clerk's office will provide future court date.
- 23 3. Out of custody arraignments will be continued to a date after April
 3, 2020.
- 24 4. **Except** for youth arrested for an offense listed in Welfare and
25 Institutions Code section 707(b), a felony sex offense, a felony
26 domestic violence, or an offense involving the personal use of a
27 firearm, arrested youth shall be cited and released by Probation.
28 Probation has discretion to select a citation date that is not sooner
 than April 6, 2020, and may use the attached table as a guideline
 to the extent Probation finds it helpful.

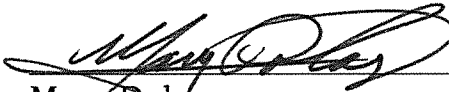
- 1 5. Pursuant to the authority granted in Judge Harrell's order, the
2 juvenile court judges find good cause to extend the time for
3 detention hearings by 24 hours. In-custody detention hearings
4 which would ordinarily be heard at 1:30 in the afternoon shall
5 instead be heard at 10:00 a.m. the following morning, with
6 parents noticed to appear at 9:00 a.m. It is expected that
7 detention memos, discovery, and all other documents will be filed
8 and processed in a manner that is timely for the usual date at
9 time (1:30 in the afternoon prior to the actual hearing).
- 10 6. Non-placement pre-adjudication youth currently being detained on
11 misdemeanors and low-level non-violent felony cases shall be
12 cited and released forthwith to a parent/legal guardian. Probation
13 shall cite the youth to appear not sooner than April 6, 2020. For
14 released pre-adjudication youth, any previously set settlement
15 conference date is deemed vacated. Inasmuch as Judge Harrell's
16 order defines the duration of his order to be non-judicial days, the
17 youth's pre-adjudication release shall be considered a general
18 time waiver, with time to be reinstated upon the youth's next
19 appearance after Judge Harrell's order expires.
- 20 7. Youth who are serving a custodial commitment which would
21 terminate between March 19, 2020, and April 3, 2020, shall be
22 released forthwith **except** for youth committed for an offense
23 listed in Welfare and Institutions Code section 707(b), a felony sex
24 offense, felony domestic violence offense, or an offense involving
25 the personal use of a firearm. As for those youth released
26 pursuant to this order, this release shall be deemed commutation
27 of the remaining commitment. As to the youth who are released
28 early under this paragraph, those youths' commitment to the
juvenile global positioning system are vacated.
8. In-custody youth who are set for settlement conference (a non-
essential hearing) shall not be brought to court unless requested
by their counsel the day prior to hearing. Counsel should request
that the youth be brought to court only if the case is resolving.
9. Pre-placement hearings are essential hearings; however, these are
nonappearance hearings for the youth. Probation is instructed
not to transport youth for preplacement hearings.
10. Pre-permanency, Permanency, Post-Permanency, and non-minor
dependent reviews shall be continued by the clerk's office for
dates that are approximately 90 days in the future.
11. Family Behavioral Health Court matters set for April 2, 2020, shall
be reset and re-noticed for April 16, 2020 at 1:00 p.m., subject to
further rescheduling if Judge Harrell's order is extended.

- 1 12. Friday Court cases set for March 27, 2020, shall be re-noticed to
2 April 10, 2020, in Department 99D, subject to further
3 rescheduling if Judge Harrell's order is extended.
4 13. Only essential (statutorily authorized) people will be permitted
5 into the courthouse and courtrooms.
6 14. In selecting citation dates and re-noticing hearings, Probation and
7 the Juvenile Delinquency court clerk's office shall be mindful to
8 stagger dates so that no one calendar date is adversely impacted.

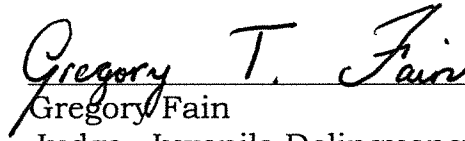
9 This is the joint order of all Juvenile Delinquency judges. The judges
10 jointly express appreciation to the justice partners who participated in the terms
11 reflected in this order. To the extent this order modifies or commutes any prior
12 detention orders or disposition provisions, each judge's signature below is an
13 indication that the judge responsible for the original order has made the
14 modifications to that order as set forth above.

15 **IT IS SO ORDERED.**

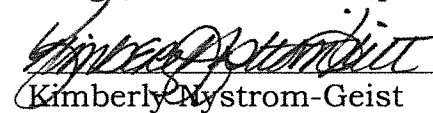
3/19/2020

16 

17 Mary Delas
18 Judge, Juvenile Delinquency Division

19 

20 Gregory Fain
21 Judge, Juvenile Delinquency Division

22 

23 Kimberly Nystrom-Geist
24 Supervising Judge, Juvenile Delinquency
25 Division

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Existing court date	Adjusted court date
March 19	April 23
March 20	April 24
March 23	April 27
March 24	April 28
March 25	April 29
March 26	April 30
March 27	May 1
March 30	May 4
April 1	May 6
April 2	May 7
April 3	May 8

1 courtrooms will remain closed for judicial business, except for
2 the following time-sensitive and essential functions:

- 3 a. Temporary Restraining Orders in Civil or Family
4 Law,
- 5 b. Ex Parte Proceedings in Civil, Criminal, Family, or
6 Probate Law,
- 7 c. Family Law Contempt Proceedings where Custody is at
8 Issue,
- 9 d. Family Law Proceedings where termination of
10 parental rights are at issue,
- 11 e. Hague Convention (International Kidnapping),
- 12 f. Emergency Probate Petitions for Temporary
13 Conservatorship or Guardianship,
- 14 g. Reise Hearings,
- 15 h. Search Warrants,
- 16 i. Arraignments,
- 17 j. Criminal Preliminary Hearings,
- 18 k. Bail Bond and Cash Bond Processing,
- 19 l. Bail Review,
- 20 m. Criminal Mental Competency Hearings,
- 21 n. Criminal sentencing proceedings,
- 22 o. Criminal Jury Trials, if currently in progress,
- 23 p. Criminal Jury Trials, where there is no consent to
24 continuance and enhanced statutory limits (see below),
- 25 q. Juvenile Restraining Orders, Delinquency and
26 Dependency Detention Hearings and related case processing,
- 27 r. Petitions for Emergency relief in Misdemeanor,
28 limited civil, and infractions,

1 s. Writs of Habeas Corpus challenging medical
2 quarantines.

3 **2. NOTICE IS HEREBY GIVEN THAT ALL OTHER MATTERS, INCLUDING**
4 **UNLAWFUL DETAINER AND SMALL CLAIMS CASES, HAVE BEEN CONTINUED BY**
5 **THE COURT.** The parties shall receive further notice stating the
6 specific time and date of the continuance in their cases;

7 3. For purposes of computing time under Penal Code section
8 825, and Welfare and Institutions Code sections 313, 315, 334,
9 631, 632, 637, and 657, from March 17, 2020 to April 3, 2020,
10 inclusive, are deemed holidays (Gov. Code, § 68115(a)(5));

11 4. In cases in which the statutory deadline otherwise would
12 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
13 of the Court may extend the time periods provided in sections
14 583.310 and 583.320 of the Code of Civil Procedure to bring an
15 action to trial by **not more than 15 days** (Gov. Code, §
16 68115(a)(6));

17 5. Any judge of the Court may extend by **not more than 15**
18 **days** the duration of any temporary restraining order that would
19 otherwise expire from March 17, 2020 to March 30, 2020, inclusive,
20 because the emergency condition described in the Order prevented
21 the Court from conducting proceedings to determine whether a
22 permanent order should be entered (Gov. Code, § 68115(a)(7));

23 6. In cases in which the statutory deadline otherwise would
24 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
25 of the Court may extend the time period provided in section 825 of
26 the Penal Code within which a defendant charged with a felony
27 offense must be taken before a magistrate from 48 hours to **not**
28 **more than seven days** (Gov. Code, § 68115(a)(8));

1 7. In cases in which the statutory deadline otherwise would
2 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
3 of the Court may extend the time period provided in section 859b
4 of the Penal Code for the holding of a preliminary examination
5 from 10 court days to **not more than 15 court days** (Gov. Code, §
6 68115(a)(9));

7 8. In cases in which the statutory deadline otherwise would
8 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
9 of the Court may extend the time period provided in section 1382
10 of the Penal Code for the holding of a criminal trial by **not more**
11 **than 30 days** (Gov. Code, § 68115(a)(10));

12 9. In cases in which the statutory deadline otherwise would
13 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
14 of the Court may extend the time period provided in section 313 of
15 the Welfare and Institutions Code within which a minor taken into
16 custody pending dependency proceedings must be released from
17 custody to **not more than seven days** (Gov. Code, § 68115(a)(11));

18 10. In cases in which the statutory deadline otherwise would
19 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
20 of the Court may extend the time period provided in section 315 of
21 the Welfare and Institutions Code within which a minor taken into
22 custody pending dependency proceedings must be given a detention
23 hearing to **not more than seven days** (Gov. Code, § 68115(a)(11));

24 11. In cases in which the statutory deadline otherwise would
25 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
26 of the Court may extend the time periods provided in sections 632
27 and 637 of the Welfare and Institutions Code within which a minor
28 taken into custody pending wardship proceedings and charged with a

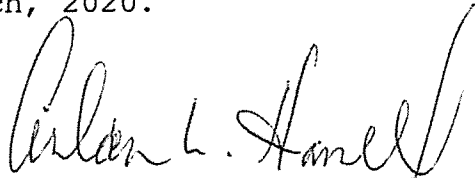
1 felony must be given a detention hearing or rehearing to **not more**
2 **than seven days** (Gov. Code, § 68115(a)(11));

3 12. In cases in which the statutory deadline otherwise would
4 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
5 of the Court may extend the time period provided in section 334 of
6 the Welfare and Institutions Code within which a hearing on a
7 juvenile dependency petition must be held by **not more than seven**
8 **days** (Gov. Code, § 68115(a)(12)); and

9 13. In cases in which the statutory deadline otherwise would
10 expire from March 17, 2020 to April 3, 2020, inclusive, any judge
11 of the Court may extend the time period provided in section 657 of
12 the Welfare and Institutions Code within which a hearing on a
13 wardship petition for a minor charged with a felony offense must
14 be held by **not more than 15 days** (Gov. Code, § 68115(a)(12)).

15 THIS ORDER IS EFFECTIVE IMMEDIATELY.

16 DATED this 18th day of March, 2020.

17
18 

19 ARLAN L. HARRELL
20 PRESIDING JUDGE OF THE SUPERIOR COURT
21
22
23
24
25
26
27
28